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ASSISTANT COLLECTOR'S MANUAL

BY

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REVISED BY

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FOREWORD.

The Government of Bombay wish particularly to impress on all officers serving in the Province the paramount importance of showing patience and courtesy towards all members of the public in all official matters. A lack of courtesy—even a temporary lack—harms not only an officer's own repute and lessens his efficiency for carrying out his duties, but also sets an example which his subordinates may follow to the detriment of public policy and of the good name of Government.

The Government of Bombay have no doubt that, on this danger being pointed out, all officers will use their best endeavour to avoid such occasion.

PREFACE TO THE FIRST EDITION

PART I

This little book is intended as a personal guide to young Assistant Collectors, under which term may throughout be included Deputy Collectors. It is not in any way a substitute for the Annotated Codes, the Rules and Orders of Government, and other accredited Text Books, all of which it is presumed that the Officer has at hand. It is intended as an adjunct to them.

Subjects peculiar to localities, such as Agriculturists' Relief in the Deccan, and Talukdari Settlement in Gujarat, or to special occasions, such as Famine and the revision of Survey Settlements, are not noticed, the object being rather to indicate the spirit of work than to meet every situation that may arise.

Although it contains nothing that is not justified by the orders or policy of Government the book, being of an informal character, has not been loaded with references.

Thanks are due to Messrs. Bhimbhai Kirparam, J. P. Orr, I.C.S., and G. F. Keatinge, I.C.S., for reading over the manuscript and making many useful suggestions.

F. S. P. LELY.

N.B.—This work is published by the authority of Government as the work of the Honourable Sir Frederic S. P. Lely, K.C.I.E., C.S.I., I.C.S., for the details of which he is responsible.

PREFACE TO THE FIRST EDITION

PART II

This handbook is designed to aid the Assistant Collector in his revenue work by giving in a practical form the principles and rules according to which he has to perform some of his more important duties. It does not attempt to deal with all revenue matters, nor does it claim to be exhaustive on any subject.

The advice given is not in any way authoritative, but the authority for most important statements is given in the marginal references, and can be verified.

It will be necessary from time to time to bring this compilation up to date; and if any officer using this book will point out any mistakes or omissions, or will make any suggestions for its improvement, his communications will be welcomed.

I wish to express my thanks to the many Government officers who have assisted me in preparing this book.

G. F. KEATINGE.

Secretariat, Bombay :
April 1905.

PREFACE TO THE REVISED EDITION

In thirty years there have been many changes in the details of administration and a number of modifications have become necessary in the Manual. But the general principles which guide Revenue Officers remain constant, for service to the people remains, as hitherto, the ideal at which the Services aim,—and I have not attempted to improve on their lucid exposition by Sir Frederic Lely. As much as possible therefore of the original edition has been retained verbatim, and such passages are indicated by inverted commas without further reference.

A more recent book—the ‘Handbook for Junior Collectors’ by Mr. Panna Lall, I.C.S., now Chief Secretary to the Government of the United Provinces—has been drawn upon, by the author’s kind permission, for valuable suggestions and extracts.

The chapters dealing with matters not directly concerned with Land Revenue duties, have been referred to, modified and approved by the respective heads of Departments, to whom I express my thanks. I would particularly thank the Hon’ble the Chief Justice of Bombay for reading and amending the chapter on Magisterial work.

Except where direct quotations from Government orders, resolutions and the like are concerned, any opinions expressed in the handbook must not be considered to be officially those of Government.

I wish to place on record my gratitude to the late Rao Sahib J. L. Kale, who, while Mamlatdar of Murbad from 1912-1915, though nominally serving under me, taught me more about Revenue work and district administration than I ever learnt elsewhere.

H. F. KNIGHT.

16th July 1937.

PRINCIPLES TO BE REMEMBERED

“ The Vices of Authoritie are chiefly foure ; Delaies ; Corruption ; Roughnesse ; and Facilitie. For Delaies ; Give casie accesse : Keepe times appointed : Goe through with that which is in hand ; and interlace not businese but of necessitie. For Corruption : Doe not only binde thine-owne Hands or thy Servants’ hands from taking ; but binde the Hands of Sutours also from offering. For Integritie used doth the one ; but Integritie professed, and with a manifest detestation of Bribery, doth the other. And avoid not only the Fault but the Suspicion. Whoever is found variable and changeth manifestly without manifest cause giveth Suspicion of Corruption. Therefore always when thou changest thine Opinion or Course professe it plainly and declare it together with the Reasons that move thee to change..... For Roughnesse. It is a needless Cause of Discontent : Severitie breedeth Fears, but Roughnesse breedeth Hate. Even Reproofes from Authoritie ought to be grave and not taunting. As for Facilitie, it is worse than Bribery. For Bribes come but now and then ; but if Importunitie or idle Respects lead a man he shall never be without

It is most true that was anciently spoken. A place sheweth the man : and it sheweth some to the better, and some to the worse It is an assured signe of a worthy and generous Spirit whom Honour amends".—*Bacon*.

(Quoted in " A Handbook for Revenue Officers in the Presidency of Bombay " by A. K. Nairne, p. xiii.)

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CHAPTER I.

INTRODUCTORY.

“From first to last the District Officer should remember that though he can by study of books gain much side-light on the problems that will confront him, his main business is to get a knowledge of, and deal with, men and things as they are in the village, the field and the bazar.

District
Officer's main
line of work.

He should begin by reading over the volume for his district of Campbell's Gazetteer especially those parts which relate to his charge.

Preparation
—Campbell's
Gazetteer.

He should from the first set himself to get a colloquial command of the vernacular, for that will be his link with the people. An easy and interesting way of improving his knowledge of their language and habits is to read a few pages of a popular vernacular novel daily. Let him store his memory with a few of the proverbs in which the natives of this country delight. In a discussion of any point with the average man, a homely and apposite proverb,

Command
of the
vernacular.

‘will move him more

‘Than all the ranged reasons of the world.’

He should resist the tendency of all about him in these days to speak only in English. It makes the common people think him aloof from them, and only to be approached by a privileged class. For obvious reasons his English-knowing subordinates will foster

Use of the
vernacular.

this notion, by speaking nothing else, at least before others, unless resolutely checked.

Hints for
conduct.

'To be just and fear not' is a tradition which every District Officer is proud to maintain. It is not so invariably recognised that much of his influence depends on manner. A social slight will rankle longer in a man of the higher classes than injustice. A harsh answer to a man of a lower class will often close his mouth, though he may have that to say which ought to be made known. Many a young officer causes resentment or estrangement through sheer thoughtlessness, and he should be on his guard against this.

Especially cultivate : (1) *Accessibility*.—The peons around every house and tent will, if allowed, quietly hinder and even repel outsiders, sometimes with a view to make a little money, sometimes only to show their own importance. Remember the saying that there is no one however commonplace, and it may be added, however bent on some private object of his own, who cannot give information of interest on at least some one point or other. In the higher ranks of the service restrictions are necessary to avoid waste of time and also because intriguers abuse the grant of private audience to spread false ideas of their own influence, but neither of these dangers need close the doors of the junior officer. The 'open cutcherry' is the palladium of the Indian ryot.

(2) *Insight*.—The man who 'is all ear and no eye' is not of a type that wins popular respect. It should be a main object to discriminate between more or less spiteful tale-bearing and honest information. The one should be discouraged as useless and degrading. Without the other, administration is groping blindfold.

(3) *Knowledge of common lore.*—The countryman, everywhere in the world, thinks the man a fool who does not know the things he is himself familiar with.

(4) *Sympathy.*—The faculty of seeing with another's eyes is indispensable for the right management of men. 'Many a man would rather you entered into his story than granted his request.'

(5) *An even temper.*—Rightly considered, the pride of superior education should make a man scorn to lose his temper with those beneath him. It should give him a lofty patience with the ignorant, foolish and perverse, and on those rare occasions when anger is called for it should be well under control.

(6) *Thoroughness.*—With few exceptions every subordinate will shirk, unless the head of the taluka make it understood by example and precept that every matter is to be taken up and mastered in detail and disposed of without delay. Withal he should never sacrifice.

(7) *Dignity.*—Nothing is gained by forgetting his position as representative of Government, or allowing others to forget it.

Interviews should as a rule be alone. If even Interviews. a private servant is within hearing the average visitor will not speak without reserve. If all be equally welcomed, there will be no appearance of special favour and confidence, of which the intriguer can take advantage.

• Lastly, let it be realised that in this country every man of official position lives in the open, in the midst of prying eyes from which nothing is secret. An District Officer's responsible position.

Assistant Collector carries in his hands the honour of his Government and let him never suppose that he can do anything to sully it which is not speedily known and talked about in the kitchen, the cutcherry, the village and the bazar.

‘ (It is) my full conviction, that, independent of the prescribed duties which every qualified officer performs, there is no person in a situation of any consequence who does not, both in substance and manner of his conduct, do something every day in his life which has an unseen effect in strengthening or weakening the Government by which he is employed.’—*Malcolm.*”

CHAPTER II.

OFFICIAL DUTIES, ETC.—I.

The Office of an Assistant Collector in charge of The Office.
 a Prant consists usually of a Sheristedar and two to four clerks. The Sheristedar is an upper-grade man with ambitions to become a Mamlatdar, and he and his clerks know very much more about the running of an office than any new Assistant Collector can. Therefore do not be in a hurry to make any changes in the organisation of your office. But it is most important that you should learn as soon as possible to control its working yourself, for otherwise you cannot possibly supervise your charge efficiently.

You will have to study the "Breviary of Office Procedure and Records" and though, until you have had some experience of your own and Mamlatdars' offices, this book may appear a howling wilderness of biliterals and trilaterals, it is important that you grasp the principles and, as far as your own and Mamlatdars' offices are concerned, the details also of the system and eventually see that they are applied.

"The public^{new} presume that an Officer, especially a young one, is under the influence of his Sheristedar, and the average Sheristedar, being human, does not discourage the idea. It should be the Officer's business not only to be independent but, what is equally important, to show the people that he is so. Yet this should not be done in such a manner as to injure the Sheristedar's *amour propre*. He is generally selected on account of ability and experience which may be utilised with good effect, and nothing is gained, but

much lost, by, without reason, suspecting or belittling him or ignoring his opinion."

"The Assistant Collector should be careful not to accept and sign papers merely on the word of the Sheristedar, also not to disregard the opinion of a trustworthy Mamlatdar as against that of the Sheristedar; also to check the inclination of an indolent Sheristedar to send work to the Mamlatdar, such as the preparation of returns, which ought to be done in his own office. The Assistant Collector should not pass on to the Mamlatdars, as a matter of course, the conduct of investigations or the taking of statements. If he has the time to spare he should occasionally do the work himself."

The office has normally two great faults which are the result of tradition and of the volume of work. The first is that of sitting on correspondences merely because they are large and will need a good deal of work before they can be put up before the Assistant Collector for orders. Clerks, like most of us, are inclined to deal with easy matters first, and you may perhaps find in your office cases which have been lying there for months, if not for years, without making any progress. The second fault is that of referring matters which seem likely to give any difficulty, to the Mamlatdar and others "for enquiry and report", without taking the trouble to indicate on what exactly a report is needed, or what information is required. And naturally when the Assistant Collector's control is thus lax in his own office, the Mamlatdar's office either sits on the papers or sends them on to the Circle Inspector, who in turn may pass them on to the village officers for report.

The general result being a large increase in the paper bulk of the case, much delay, and greatly increased difficulty of arriving at a final decision.

“It is a good thing to require the Sheristedar to prepare and bring up for information every month a list of references to and by the office, which have been pending unanswered for more than a month. More especially should this list be consulted at the inspection of the respective Mamlatdars’ offices, and explanation of undue delays obtained.”

Unless the Sheristedar is much above the average, it is important not to allow him to send out papers under his own signature, except when the endorsement is absolutely routine. Equally, before signing anything put up by the Sheristedar or the office, you should make certain that the order or letter gives, or asks for, all the information required, and leaves no excuse for misunderstanding or delay.

All English correspondence should be drafted by you in your own words and not by the office. All orders or decisions in revenue and other cases such as watan proceedings, encroachment cases, departmental proceedings etc. should be written or typed by your own hand just as much as a judgment in a criminal case must be.

Incidentally, if you do not know already how to use a typewriter, it is advisable to start practising as soon as possible. A typed letter or order is naturally easier for the recipient to read than most peoples’ hand-writing, and a typewriter has the great advantage that you can make a copy of confidential matters without having laboriously to copy it out by hand.

Correspon-
dences.

"Fewer too will be the large correspondences which have gone on gathering bulk for years, under the care of the Sheristedar whose only aim is to postpone the trouble of grappling with the subject and coming to a decision. Such files will often supply examples of every kind of fault, unnecessary and vague questions asked, careless and incomplete answers given, long delays that have never been detected by the Inspecting authority, ignorance of the rules applicable, and sheer stupidity. They should be taken in hand, offenders called to account, and subordinates made to understand that they are paid to get work done, not merely to correspond about it."

As soon as you have acquired a working knowledge of the language make a habit of occasionally reading yourself some of the vernacular correspondences in your office and of writing the endorsements on them yourself. The knowledge that the Assistant Collector can and does read and write the vernacular, and that bad work cannot be concealed by being in that language, has a stimulating effect on the Mamlatdars, Clerks and Circle Inspectors. This practice also is particularly useful when doing flying camps (*see* under "Touring") while your office is left behind to inspect the Mamlatdar's office at the taluka headquarters.

On taking over a new charge, or shortly after you have undertaken your first charge, see personally *all* correspondences in your office, getting the Sheristedar and each clerk to bring up to you *every* case lying with him and to explain each of them briefly. Initial and date each case yourself to indicate that you have seen it and when. At the same time mark any correspondence which you regard as particularly urgent and

needing early disposal. The regular repetition of this procedure once a month or so should prevent old correspondences continuing in your office without your knowledge, and, if a clerk fails to bring such up on any occasion, you can then take disciplinary action against him for concealing the case.

A task which seems boring and laborious is that of going through the diaries of Mamlatdars and Circle Inspectors, but it is one that cannot be neglected if you are to run your charge efficiently. The Mamlatdar's diaries go on to the Collector with the Assistant Collector's remarks but the Circle Inspector's diaries do not go further than the Assistant Collector. If you go through the Circle Inspectors' diaries with a map, it will teach you the geography of a new charge and will also show whether the Circle Inspectors are getting about their charges, or are merely making hurried trips out from and back to Taluka Headquarters or are neglecting any part which they ought to see. Do not omit to give a word of praise in your remarks on a diary for any especially good work done.

Officers'
Diaries.

The Circle Inspector's post is a difficult one because he has much more work than he can possibly perform. He is low-paid and sometimes has been pushed into the post, as being useless elsewhere. But his position as a supervising and enquiry officer of a status between the village officer and the Mamlatdar is of considerable importance. Both encouragement and careful supervision is needed to get good work from him.

• Always open all your English post yourself, and, whenever you will not unnecessarily delay the work of your office, the vernacular post also. Each letter or

case received should be marked in ink with your initials and the date, month and year (a big case may quite possibly last over a couple of years and it is well to know in which year you received a paper). Mark for immediate disposal anything which is very urgent, and with experience you will be able to give other directions for disposing of letters, etc., which will save your office much time in wondering what to do with them. It is not necessary to read all the bulk of the vernacular correspondences, a glance at the last endorsement or two and putting your initials and date to prevent delay in office is usually enough. But the daily seeing your vernacular post gives you an idea of the work of your office that you may not get otherwise. It also gives opportunity to spot which Mamlatdar's offices have a habit of delaying papers or making muddled reports.

Petitions. Petitions by post should always be opened personally and read personally—they may contain allegations against subordinates which it is unfair that anyone else should see. Much work can be saved by the Assistant Collector giving orders on all petitions on the first instance.

Some petitions do not contain sufficient information, or some necessary copy of Government records, and these should be returned immediately for supplying it. Others deal with matters which are not the concern of the Revenue Department. These can be either forwarded to the appropriate officer or returned to the petitioners with instructions as to whom to approach.

As an example of the wrong method of dealing with petitions, see page 81, Manual of Revenue Accounts—

“I once saw a case about a foot thick. It had cost Government about Rs. 1,000 in work of officers and clerks and postage for about two years. It began with a petition raising rather complicated allegations and legal points. It ended in the Collector directing the parties to the Civil Court. If he had endorsed that order below the first petition it would have saved Government about Rs. 1,000 and would have saved the parties perhaps twice as much and would have put them on the way to a final settlement about 3 years earlier.”

Others deal with matters for which no remedy is provided, e.g., requests for an Assistant Collector to interfere with the decision of a Civil Court.

These last however cannot *always* be neglected. Cases do sometimes occur of the perversion of justice, for instance, a money-lender may procure someone to impersonate before the Sub-Registrar the owner of land which he wants to buy, and thus get a false sale-deed executed on which a suit is filed in the Civil Court. If therefore such a petition seems from its details to be credible, the Assistant Collector can call up the petitioner or make personal enquiries in the village. This is perhaps particularly likely to happen in tracts inhabited by backward tribes whose land, or when their land is inalienable, their mango and other valuable trees are considered fair game by unscrupulous money-lenders and richer cultivators.

Some petitions received by post will be of the nature of criminal complaints and these must be returned

with an endorsement that they should be presented in person to the appropriate magistrate. Other petitions are such that it would be unwise to start any inquiries unless and until the facts alleged are verified by the petitioners on oath, e.g., allegations of corruption, oppression, etc., against subordinates, and the petitioners may be asked to present themselves personally to the Assistant Collector for their statements to be taken.

Anonymous petitions should in practically all cases be destroyed at sight. They should never be sent for "enquiry and report" unless there are very strong reasons for believing the truth of the allegations, and, when such a petition concerning a revenue matter has to be sent for "enquiry and report", it should not be sent to anyone except confidentially to the Mamlatdar himself, who must make enquiries personally and report confidentially. Whenever possible, it is better for the Assistant Collector himself to take action necessary on anonymous petitions, keeping them meanwhile in his own custody. Very occasionally anonymous petitions confirm previous suspicions and give such detailed information that verification or disproof of the allegations is easy. Anonymous petitions alleging the commission of cognizable crimes may be sent demi-officially to the District Superintendent of Police for disposal. He can then order inquiry by the local Police or not as he thinks fit.

But it is necessary to remember that *any* enquiry undertaken on an anonymous petition will serve the object of the writer, which is to give trouble to the person against whom the allegations are made. An enquiry, even into false allegations, stirs up mud which damages an official's reputation, for people at once begin to say

"There is no smoke without fire", etc., etc. It is better to have it known locally that the Assistant Collector tears up all anonymous petitions himself without even the Sheristedar seeing them.

Pseudonymous petitions are rather troublesome. Where you suspect a petition to be pseudonymous, write by registered post to the applicant to appear before you and verify his petition, or where the applicant's address is distant and, if existent, he would find it difficult to attend your camp, instruct the Mamlatdar to call up the applicant and verify his bona fides before undertaking any inquiry. If the applicant does not appear, or if he appears and proves that someone had used his name without his knowledge, tear up the petition.

"... It is perhaps better, when the habits are so
 formed as to admit of it, that the natives of all classes
 and ranks should have admission, and be heard, at
 whatever hour of the day they come, except at those of
 meals. But where such constant intrusion is found to
 interrupt other business, certain portions of every
 day must be set aside to hear representations and
 complaints, and see those who desire to be seen. The
 establishment of direct intercourse is, in my opinion,
 a primary and indispensable duty, one no more
 dependent upon the inclination or judgment of the
 individual than it is to an officer whether he shall
 attend his parade, or to a judge whether he shall sit
 a certain number of hours in his Court." Sir John
 Malcolm. (Quoted in Nairne's Handbook for Revenue
 Officers.)

Visitors and
 petitioners.

Petitioners. In addition to petitions which reach you by post, a number will be presented in person. For the receipt of petitions fix a definite time in the latter part of the afternoon and, whatever work you may be doing each day at that hour, stop it for a time and take petitions from petitioners. Have your office naik shout loudly for "Arzadar" and give them a minute or two to assemble from the places where they may have been waiting. Take each petition in turn, read it yourself or have it read by a clerk in the presence of the petitioner, who, in the latter case, is thus able to see that the petition writer has put down correctly what was told him. You will probably find that in almost every petition you have to question the petitioner to elicit some more facts. Where you find a petition should be refused at once, return it to the petitioner after yourself making an endorsement that it is refused, or that it should be presented to some other official, etc. Be as patient as you can, in listening to petitioners for it is possible that they may have come a long way to put forward their grievances and they may justifiably feel hurt, if immediately turned down with a few curt words. A petitioner may or may not believe you when you say that you can do nothing, but at least afford him an opportunity of placing his case before you, and give him in return as full an explanation as you can as to why you cannot give him assistance.

When you are pressed for time and a petition is not clear, get one of your clerks to write down a statement from the petitioner and you go through it with him (the petitioner) later in the afternoon. Remember that petitions which are criminal complaints need careful

examination and that this examination has to be made by you yourself and not by a clerk. (See page 46.)

In addition to persons who come with regular written complaints, you will be beset, at all hours of the day and at all places by persons wanting to tell you their grievances and difficulties. These must not be repelled however burdensome this duty may be. The following is an extract of a letter written by Maharaja Pratapsinha of Satara in 1829 to Grant Duff, late Resident at Satara, after his retirement to Scotland.

“ From—Maharaja Pratapsinha of Satara ;

To—James Grant Duff, Esq.,
of Eden, Banff, N. B.

Satara, 18th July 1829.

OUR FRIEND,

*

*

*

*

Thus far methodically and regularly the public business is transacted here every day with facility and despatch. You say that we do more business in our palace than in our public office. To this we answer during your stay here the poor and the weak had been allowed to resort to you in the road also (while you were coming to the public office from your bungalow) as well as in your bungalow too in order to state more

Quoted in “James Grant Duff’s Private correspondence with Maharaja Pratapsinha of Satara”

by Mr. D. B. Diskalkar, M.A., Curator, Historical Museum, Satara,

freely their grievances and the misconduct and oppressions of the public servants: We have been following the same example both in the road and in our palace. Except thus hearing and gaining information, no more business has been done in the latter place. By this the various branches of public business go on very regularly and the public servants behave more better and the business is despatched too quick. If this mode of obtaining information is neglected, ignorance, it seems, would prevail and communication on various matters would be wanting."

Conversations.

Talking with people will waste much of your time, but it will provide you with much information which you will not get by any other means.

Make it a habit, when riding or walking about the country, to converse with almost everybody you meet. If you are of a retiring nature, this will be an effort at first, but by practice you can, if you have a genuine interest in your charge, cultivate this habit of casual conversation. If the villager knows that the Assistant Collector on his walk in the evening is quite willing to stop and talk, it will be then that he will come with his grievance about the money extorted by the Circle Inspector for getting his boundary marks repaired, or the bribe which he had to pay to the Police Havildar to prevent a false case being made against him by his enemies, or the Irrigation subordinate who would not provide water for his withering crops until extortionately paid, or the Magistrate in whose court cases are decided for pecuniary considerations. None of these matters will the cultivator usually come and tell you publicly as a petitioner in your office. Of course it is most annoying when riding home in a hurry, late for

your breakfast by two hours or so, to have your bridle seized by a Bhil who wants to point out to you where the rich money-lender has removed the boundary mark of his field and encroached on the Bhil's. And of course without the village map and papers you can make no inquiry in the matter, and without hearing the money-lender you cannot come to a decision ; but however hot the sun and however tired yourself, you must stop and listen to what the Bhil has to say and only after listening and some questions, tell him to come to your camp in the afternoon. If you were to hurry on without waiting to listen, the Bhil would probably be too discouraged to think of attending your camp, however genuine his grievance may be.

(An Assistant Collector's often seems a dog's life, but if you think so, compare it with a Bhil's or Mahar's.)

As part of your duties you have to receive a number Visitors. of visitors, i.e., callers as distinct from petitioners, who may come to see you either "to pay their respects" or on business. As far as the arrangements of your bungalow or camp will permit, see that provision is made for some waiting room for persons coming to see you, or at the very least for the provision of chairs in the verandah or in the shade of a tree, where they can wait without being herded with menials.

Secondly, very definitely insist that your peons bring to you each caller's card, or a slip of paper with his name and business, *as soon as he arrives*, whether you are otherwise busy or not. It is then possible, when you will not be free for some time, to write a note on the back of the card saying that you will be busy for

the next half hour or whatever it may be, and suggesting that he might prefer to call later instead of waiting. If the visitor is of great importance or sends back a note that the matter is extremely urgent, there is no harm in interrupting the case that you are trying or the meal that you are eating, to go out and speak a few words to him personally to discover whether his business can really wait or not.

It is useful in your bungalow or camp to arrange your office table so that you can watch the arrival of visitors. This serves as a useful check to see that your peons bring in the cards of callers promptly and that visitors receive proper respect from the peons. The bringing in of a card at once also sometimes serves the useful purpose of giving the valid excuse of another caller, in order to end a boring or over-lengthy interview.

It is well for you to be willing to see callers at all hours of the day consistent with the performance of your other duties, as the reputation of being accessible at any time is valuable, and you will then receive much more information and make many more friends than if you can only be seen by appointment or between certain hours of certain days of the week.

There is no harm, however, in having a typewritten card with your peons to cover, say, the period of your midday meal, e.g.

“Except in case of urgency, the Assistant Collector does not receive visitors between the hours of 11 and 12.”

If you are interested in your charge you will find no lack of local topics for discussion with your callers,

though it is well to practise making small talk to begin with, so as to let your caller work round to the matter on which he has really come to see you.

It is useful to keep a list of callers with a note of any matters of interest concerning them, or their interviews with you. This will help you in writing your notes when you hand over charge and also will ensure your not overlooking any friends, when issuing invitations for a Durbar, or a Governor's visit, and the like.

An easy way is to keep all visitors' cards in alphabetical order in a small box as a sort of card index. Visitors who have not produced cards can have their names written up on a supply of blank visiting cards which you will keep handy. If you keep this card index in your confidential box you can then write very brief confidential notes about each person on the back of his visiting card.

Not all your visitors will expect the offer of a chair Chairs. when they come to call. Title holders, educated gentlemen, big landlords, members of Municipalities, of District and Taluka Local Boards, Sar Panchas of Village Panchayats, officers of other Departments such as Police Sub-Inspectors, Range Forest Officers, or Assistant Engineers, should of course be given chairs, and you should see that your peon's place a chair ready before the visitor is shown in. Among your own subordinates chairs should be given to Mamlatdars and Aval-karkuns, but not to clerks, Circle Inspectors, Talatis nor normally to Village Patels. Regarding the last class, those Patels who would be given a chair in another capacity, e.g., as members of a Local Board, should be given chairs. Officers of other Departments

lower in rank than the examples given above such as Police Havildars, Public Works Department Overseers, etc., would not expect chairs and would be rather embarrassed by the offer, as also would be ordinary cultivators, petty merchants and the like.

In dealing with non-officials it is better to err on the side which gives the least offence and therefore not to be too sparing in the offer of a chair.

Recommendations. You will often be importuned to give "chits" recommending people generally or for their past services. In the case of Government servants, it is a good rule to explain that you never give a chit or a recommendatory letter to any Government servant above the rank of a pattawalla, and that you are sure they do not wish to be classed with menials. Any remarks you may have to make on your own subordinates will be entered in their confidential records. If the officer is not serving under you, it would be impertinent for you to give him a letter of recommendation which he ought to obtain from the head of his office.

When an officer of another Department has been helpful to you in any way, you can write D. O. to his superior officer thanking him for his subordinate's services.

When a non-official has been really helpful in any particular matter, a personal D. O. letter of thanks should be written and such is always appreciated by the recipient.

But a general letter of recommendation, similar in principle to a servant's chit, should be rigorously avoided. Your signature to such a letter is in effect a guarantee of your judgment of the man, and many who would hesitate to stand financial surety for an acquaintance, are willing, on little or no excuse, to guarantee his claims to respectability, efficiency, suitability for an appointment and the like. If you should recommend an unsuitable person, that will reduce your own credit, by showing that at least you are not a good judge of character, and will thus depreciate the value of any other recommendation you may make. If importuned for a letter of recommendation, you may say that you will send it direct to the person to whom it is to be addressed, or, if this is not acceptable, you may merely write a formal note that you have known A. B. for so long and he has asked you for a letter of recommendation to Mr. X. Y. Z.

In particular do not give recommendatory chits to itinerant vendors, magicians, horse dealers and the like. Such persons are apt to live by their wits, and a letter from an Assistant Collector on the best official stationery may be used as a means of establishing confidence with the unwary to their financial disadvantage. Such letters, waved in the face of inexperienced police officers or Patels, may help to postpone a well deserved arrest for some recent crime, as minor officials will be nervous of arresting some one who claims to be your friend. Anyway, do not yourself place reliance

on such chits from officials and others of however high station. These,—owing to the softness of some high officers' hearts,—are no guarantee of respectability, nor can you be sure that the bearer is the original recipient.

Books. The following books about your Revenue work should be kept handy on your table whether at headquarters or on tour:—

Land Revenue Code.

Land Revenue Orders.

Manual of Revenue Accounts.

Manual of Tagai and its Accounts.

Manual of Land Acquisition for the Bombay Presidency.

A Manual for Village Panchayats etc., Part II.

Manual of Instructions for Government Officers in connection with the Village Improvement Scheme.

Phadnis's Watan Act.

Breviary of Office Procedure.

District Gazetteer.

Settlement Reports, Original and Revision, of the Talukas of your Sub-Division.

Bombay Civil Service Rules.

CHAPTER III.

WORK IN OFFICE ETC.—II.

On taking over a new charge make your office put up the Delegation orders [vide Land Revenue Rules, Chapter II (VI)] which show which of the duties of a Collector under the Land Revenue Code have been reserved by the Collector and not delegated to the Assistant Collector. You must know this before you start your duties. Delegation orders.

Never be unwilling to ask questions on any matters of which you are ignorant, whether from your superior officers, or from subordinates, or from the public. If you pretend knowledge, which you have not, of rules and regulations, your subordinates will certainly spot it at once, and it is better to admit that you do not know, and to see if *they* know; but verify afterwards the information they give you. Subordinates such as Village Officers, Circle Inspectors, Mamlatdars and your own clerks, when efficient, can teach a young officer far more than he can learn from codes, hand-books or Government Resolutions. Ignorance.

Never delude yourself with the idea that once you have passed an order, the matter is finished. You have to ensure that the order is carried out. In criminal cases, of course, there is a routine laid down by law and by rule, which prevents an accused sentenced to an year's imprisonment just walking out of court and escaping punishment; but in ordinary Revenue work there exists no such guarantee. After you have signed an order, it will *not* automatically be carried into effect. If it is an order concerning a village, it will be passed on to the Mamlatdar who will probably be on tour, and Control of office.

the papers will be dealt with by the Aval-Karkun. He will merely initial it for the Jababi Karkun without giving any further instructions. The Karkun is quite possibly a new man, who, not knowing what to do, will scratch his head over your order and then put it at the bottom of his pile of correspondences. The Aval-Karkun will forget, or be too slack, to take his weekly check of the Karkun's daftars, and the case will lie as it was received, till the Mamlatdar holds his monthly inspection. He will then issue instructions how the order is to be carried out, and the Jababi Karkun will send it to the Circle Inspector. The Circle Inspector will see that it looks a troublesome case, and will decide that it may just as well wait till he visits the village, and he will put it in his bundle of correspondences for that village—which he may forget to take with him when he goes there. Even when the Circle Inspector and the papers are together in the village, the village officers may be absent, or the parties concerned not be present, or if present, they may trump up some excuse for delay.

On these lines—which are not exaggerated—it may easily be months before your order is carried into effect, or if influence, local or pecuniary, be brought to bear, the case papers may be entirely lost! It is therefore absolutely necessary, whenever you discover such a case, to take prompt disciplinary action against the official concerned.

“If a Mamlatdar believes from what he knows of the character and habits of an Assistant that after the issue of an order the Assistant will satisfy himself that it has been properly carried out, this will make him far more careful and zealous than the mere receipt of a dozen strongly worded letters.” (Nairne.)

For this reason your office must keep up-to-date the Control Registers (*see* Breviary, paragraph 70) of all orders and correspondences sent to Mamlatdars and you must check these when you inspect their offices. It is a good thing also to keep a note in your pocket book of some of the more important, intricate or interesting cases, which you have sent out to the Mamlatdars, and whenever you get an opportunity, ask the Mamlatdar how they are getting on and trace them in the Taluka.

Equally it is necessary that the Mamlatdar's office should keep a Control Register of all cases sent to the Circle Inspectors and to all Village officers. It is not the Mamlatdar's duty to see to this office routine himself, but it is the job of the Aval-karkun, and you should remorselessly insist that he personally checks these registers once a week. If he fails to do it twice, ask the Collector to put some one else in his place. For an Aval-karkun should be an officer being tested for fitness to become eventually a Mamlatdar, and if he cannot control the half a dozen clerks in his office and get work out of them, he will never be able to control a Taluka.

You will probably find in your own office that correspondences which have been going on for any length of time, are unwieldy masses of tattered and illegible papers. In the case of vernacular correspondences which are carried on in original from village officer to Taluka and to and from the Assistant Collector's office backwards and forwards, this is difficult to avoid owing to the continual rough handling the papers receive. Insist however that these papers are kept flat, properly laced together and given protecting

Office
pap rs.

covers when necessary. (Breviary, paragraph 17.) Their illegibility, the result of writing the vernacular with a steel nib instead of a reed pen, and of neglect to teach decent handwriting in schools, is less easy to deal with. But you should insist, that from the time you take charge, all clerks and talatis must write legibly for the future.

Notes prepared by your own office should be neatly written on proper sheets of foolscap, without attaching small scraps of paper, or writing diagonal or vertical marginal remarks. See that your office follows the instructions in paragraph 23 of the Breviary and removes regularly from the files all superfluous matter, such as notes asking the office to put up papers, rough calculations, duplicates, etc.

When you issue a letter in English, *always* take a carbon copy for the office copy on your file *and* remove from the file the rough draft with its numerous illegible corrections and destroy it at once. Should there be any important note in the rough draft, have that typed out and put in on a separate sheet.

If you have not in your office a sufficient supply of file boards (wrappers with flaps and strings) in which all correspondence can be tied and put up tidily for your orders, indent for some more. You may have to indent two or three times, but the convenience of despatch resulting from the use of these file boards is worth the trouble.

Letters. In drafting English letters aim only at clarity, particularly avoiding sarcasm and/or humour. Sarcasm is unfair towards your subordinates, who cannot effectively reply to you, and unwise towards a superior,

who may reply too effectively. In the same way humour is out of place in Government correspondence, as the letters will probably be read by various officers, some of whom will certainly have no sense of humour, and others may have insufficient knowledge of the English language to recognise your wit.

Do not be in a hurry to take offence at any letters you may receive from others which appear to you offensive. Remember that most of your correspondents are not writing in their own tongue and have learnt English from teachers who have not a very great knowledge of the language which they teach. Often what may seem to you a rude effusion may be merely due to ignorance of the English idiom and in no way impertinently intended.

Confidential papers should always be received, and sent out, in two covers (envelopes), an inner sealed one marked "confidential" or "secret" as the case may be and an outer one not so marked to protect the seals and to prevent the confidential papers being opened by accident along with the other post. Confidential Papers.

Make it a definite rule that when your Sheristedar opens the post, he should not open *any* confidential letters. You must open all these yourself.

"Confidential may be distinguished into—

(i) not to be published or communicated outside the office (see Official Secrets Act and the Law of Libel) ;

(ii) strictly secret, and not to go into the office at all."

(Breviary, paragraph 44.)

For instance various Government Resolutions are confidential, but yet the contents obviously must be communicated to your Sheristedar who is running your office, and in some cases to clerks and others as well.

On taking over charge ask the Sheristedar to let you see all confidential files that are with him so that you can get an idea of what confidential matters he is dealing with. But do not necessarily follow the same practice as was followed before you took over. Your predecessor may have been inclined to leave too much confidential work to the Sheristedar, and you must use your judgment as to what should be kept in your own custody. In case of doubt it is better to err on the side of safety and keep the papers with you.

Any papers marked "Secret" *must* be kept in your own custody and not shown to any of the office staff. They should of course never be filed in your office, but should be kept in your own confidential box.

Confidential reports on clerks and talatis also should not go to the office, but should be kept in your own custody.

You may quite possibly find on taking over that your confidential box is full of papers ill-arranged and on all sorts of subjects. It will be a laborious task arranging these, but it will save you a lot of trouble in the long run, if you sort out these papers and file them as soon you can. But you must do this yourself without help of your Sheristedar or clerks. The Breviary, paragraph 44, gives instructions for filing confidential papers.

The annual confidential reports on the Circle Confidential Inspectors and on the clerks in Mamlatdars' offices will go through you from the Mamlatdars to the Collector and you should add to them any remarks you can. Therefore take particular care in examining a Mamlatdar's office to note good work or bad work by any clerk, and when you get a particularly good, or a particularly bad, case sent up from the Taluka, enquire which clerk is responsible. Keep a note book in which to enter all such cases deserving praise or blame, so that when the time comes for writing the confidentials you will not have forgotten whether it was B. A. Kulkarni or B. C. Kulkarni, who had made such a mess of the Navegaon Ramoshi Watan Case.

If you find among the clerks in the Mamlatdar's office a promising young man who is likely to be fit for promotion to the upper division, get the Collector to post him as one of your Circle Inspectors, and then train him as much as you can in practical out-door village work. Quite a number of young Aval-karkuns and Mamlatdars are town bred and are at first lacking in any actual experience of life in the villages. Let it be understood that for a young man to be posted as Circle Inspector is an indication of possible promotion, and not a mark of inefficiency as a clerk.

You will have to keep a confidential record of Talatis. You can do in whatever way you wish, but in many ways the most convenient method is to have a printed form giving the heads under which the Mamlatdar's remarks are to be made, and each year a new form will be filled in for each Talati. These sheets are then filed in a separate folder for each Talati, and the

folders arranged alphabetically according to Talatis' names thus making a self-indexing file. Each folder will contain a sheet for each year of the Talati's service after the system was introduced. Though your confidential record will thus with time come to be bulky, yet this is preferable to the alternative method of having a single sheet for each man, which is kept in the Assistant Collector's office and sent annually to the Mamlatdar to return with his remarks for the year. The latter system has disadvantages, e.g. :—

first, that the Mamlatdar may be prejudiced by reading previous good or bad remarks about the Talati,

secondly, if the Talati or one of his friends happens to see the sheet in the Taluka Office, all the previous confidential cats are out of their bags,

thirdly, the sheet does not give space for the various headings under which report must be made, if you are to extract something more than jejune praise or blame from an over-worked Mamlatdar,

fourthly, a Mamlatdar is sometimes nervous of putting down his own opinion, when he knows that it will be shown for years to come to all his successors, and possibly to the individual Talati himself.

Appendix B gives a suggested form of annual confidential sheet for Talatis.

Communi-
cation of
adverse
reports.

Look up Government Resolution, General Department, No. 9199 of 29th November 1915, under which unfavourable confidential reports have to be communicated to the officer reported on.

This does not mean that every unfavourable remark by a Mamlatdar on a Talati must be communicated to him. The Talati should not be informed—

(a) when you do not agree with the Mamlatdar's unfavourable opinion,

(b) when the defect mentioned is one which cannot be remedied, e.g. lack of ability or intelligence,

(c) when you suspend judgment and think that a further report should be awaited before deciding on the Talati's conduct.

In effect you will tell a Talati that he has been reported on badly, when his conduct has been such as is likely to be improved by a warning, and the warning should be conveyed in the way most likely to lead to the improvement desired. Usually it will be best to call up the Talati and personally tell him that you have found him, or that he is reported to be, lazy, inaccurate or whatever it is, and that he must do better in future. Enter on his confidential report that you have communicated the substance of the report to him orally.

This of course will not meet obstinate cases, where a written warning sent through the Mamlatdar may be needed to stir up the offender. But such Talatis are better got rid of if possible.

Confidential reports on Clerks and Circle Inspectors go to the Collector who will decide whether to communicate any criticisms made by the Mamlatdar or the Assistant Collector.

Village officers who are Watandars will be appointed by you under the Watan Act, but Talatis, i.e. ^{Appoint-}
^{ment of}
Talatis,

stipendiary village accountants, will be appointed by you in your discretion subject to the rules laid down by Government as to age, educational qualifications, proportion of various castes, etc. You should keep your own list of candidates educationally and otherwise qualified for the post of Talati, and insist that the Mamlatdars appoint persons from *your* list of candidates for temporary vacancies, and not from among the friends and relations of local officials and gentry. One of the latter class, who has worked for some time as a candidate, always has a grievance when his claims to appointment are disregarded in favour of a man from the Assistant Collector's list of candidates. To avoid this, see that only those in your list are appointed.

How you will choose your candidates from among those qualified depends on yourself unless the Collector has laid down any particular rules. A personal interview and some kind of written test to ensure a good handwriting and possibly a modicum of common sense are obvious factors. The orders of Government regarding selecting Revenue Clerks given in Government Circular, Revenue Department, No. 5156/33 of 23rd February 1937 should be seen.

Punishment
of Talatis
and Peons.

You are able to dismiss and otherwise punish any official whom you appoint yourself, i.e. in effect your Talatis and peons, but before any punishment of dismissal, removal or reduction is imposed, proper departmental proceedings must be undertaken in accordance with the Bombay Civil Services Conduct, Discipline and Appeal Rules, paragraph 55, page 13, and Government Resolution, Political and Reforms Department, No. 1352/33 (Fin.) of 5th October 1936.

Such an enquiry has in practice to be conducted with as much care and formality as—if not with more than—a criminal trial. Otherwise, on appeal, your order will certainly be reversed for non-observance of the rules. Of course if a Talati has been convicted in a criminal court, e.g. for embezzlement of Government revenue, no departmental proceedings are necessary before his dismissal.

“Upon complaints against Patels the Assistant Collector is in a strait between two dangers that of encouraging Village Officers to neglect their duty, and that of encouraging departmental subordinates, many of whom are or should be inferior to the Patel in social estimation, to be rude and exacting. On the one hand, the Government work must be done and Government servants accorded civility and all proper help. On the other, it is a public concern that the Patel should not be unduly belittled. The petty official who, out of spite at some non-recognition of his own importance, tries to get the Patel into trouble, and the Patel who will not best or himself to do his duty, are both of them not unknown. When discipline requires punishment regard may be had to the class to which the man belongs. There are many stipendiary and low-caste Patels who are not very sensitive, and can only be reached through their pocket; yet even here a heavy fine should not be inflicted, without thought, on a man who may already be in debt to the Bunia. To a Patel of good social position the sting of a small fine lies in the humiliation of it and of the triumph of the complainant. This lowers his authority, by which Government loses as much as he does. For such men it may sometimes be wise to simply enter the first two

Punishment
of Patels.

or three faults in a register and then for repeated neglect or contumacy to suspend for a short period."

Do not forget to recognise good work among your Village Officers by the presentation of pagris or certificates, at Jamabandi, and particularly do not forget that some Village servants and watchmen should also be thus publicly rewarded at the same time. Patils and Village servants greatly appreciate the award of a sword for good work. There are often several passable swords that have lapsed to Government available in Head Quarters or Taluka Police Offices, one of which can be so presented. If you find your grant for this is insufficient, ask the Collector if he can let you have a little more money, as this public recognition of services is most useful for the administration.

Peons. Though EHA describes the peon as an unequalled child's nurse, remember that he is primarily a Government servant, and that what work he does for you beyond his official duties of "remaining present", announcing visitors, fetching the post, keeping your office tidy, etc., is in the nature of overtime and requires remuneration as such. It is customary therefore to give each of your peons a couple of rupees or so a month, and, if they do any special job for you, e.g. clean your guns, or attend to your car, a larger amount. As a class, peons are extremely capable and extremely willing, but they, as others, like to magnify their own importance, e.g. they may demand tips from visitors or extract fees from ignorant petitioners for their pretended influence over the officer. Therefore peons should be kept in their place and not made confidential servants.

The Assistant Collector makes the appointments of peons in Taluka offices. There are Government orders that members of the depressed classes *must* be given preference for peons appointments, until a minimum proportion of 10 per cent. of these classes is reached among the peons. You must see that these orders are carried out. There is still some prejudice against the presence of depressed class peons in offices, and especially against their use as personal peon to an official of higher caste, and therefore difficulty in securing suitable depressed class candidates is sometimes put forward as an excuse for non-compliance with Government orders.

CHAPTER IV.

INSPECTION OF MAMLATDAR'S OFFICES.

Preparation
of Inspection
Memo.

While you camp at Taluka headquarters, your Sheristedar and clerks will spend their mornings examining the accounts and records of the local Mamlatdar's office. This will take a week or so at least, and it is a good plan while this is going on, for you to make one or two flying visits, with light kit and with none of your office staff, to various less accessible parts of the Taluka and to return when the examination has been completed.

Your Sheristedar will then present you with a document of 50 pages or more detailing the various discrepancies and mistakes which he and his clerks have discovered in the Mamlatdar's office. See that the Inspection memo. is drawn up in accordance with paragraph 24 of the A. B. C. D list (1919) separating notes for guidance of the Mamlatdar from matters in which action is necessary. Go through it with the Sheristedar and with his help make certain that you understand *exactly* what each mistake is, and what are the orders which have been infringed, and, as far as you can, decide which faults are of importance and which points call for special attention by yourself.

"Care should be taken that important matter or matters bearing on the quality of a Mamlatdar's work are not lost in a mass of details. To say that no one in the position of Sheristedar or Karkun should be allowed so much power as to make it worth a Mamlatdar's while to gain his good-will is perhaps a counsel of perfection, but every one in the Kacheri may and

should understand that he has no final power either for praise or blame."

The next step is your visit to the Mamlatdar's office, ^{Visit to} or rather your visits, as it is not possible to complete ^{Office.} the whole process in one morning. These must be timed early enough for the Mamlatdar's clerks to go home for their meals and to return in time to avoid inconvenience to the public by late opening of the office, so it is important to start your visit as early as possible.

You may begin by taking a round of the Mamlatdar's office and compound, seeing that it is clean and tidy, and that the compound is free from rubbish and oddments; look inside the clerks' cupboards for evidence of mess and muddle or suppressed papers; have a look at the library; see that the notice board is kept up to date and is not a mass of illegible notices and proclamations; see that the Executive Engineer's certificate on the treasury has been renewed within the year; see if there are any prisoners in the lock-up, question them to find out how long they have been there, etc.

Then return to the Sub-Treasury and count the cash, ^{Sub-} stamps and opium, and, if there is one, the Currency ^{Treasury.} Chest also. The instructions for this are given in Appendix H.

While doing so, do not forget that the Mamlatdar, as head of his office, should be provided with a chair at the table at which you are working, and that he should be consulted on any points which may arise.

Observe the instructions for counting cash carefully. If you omit any of these, you might be held responsible

for any defalcations later discovered. Use intelligence in your method of check and do not always follow a particular routine. Your clerks, of course, will help you in the normal counting of small coins and of notes but in folding back some of the notes in a bunch, or in withdrawing some of the coins from a bag, try to vary the number folded over and the number of coins withheld.

Owing to the methods of Government account and the various checks, it is difficult for defalcations to occur, but occasionally try and think out, how, if you were a Sub-Treasury Officer, *you* would endeavour to rob Government and, *if* you can think of a practicable method, specially explore that avenue lest others be already using it.

For instance you might think it possible to abstract a few high value Court Fee stamped papers from their bundles and to substitute similar sized pieces of blank paper, which would pass in a hurried counting, and to dispose of those abstracted on the quiet at a discount to needy litigants. Therefore in counting stamped papers do not take it that any presumed bundle of 100 is correct, but extract a few of the papers and have the rest counted, and when that is done, see if those which you have, make up the deficit of 100.

Again if you think that you might make a flutter in the local market by "borrowing" ten or twenty thousand rupees in currency notes and replacing them regularly from your winnings before the next inspection, occasionally count a Sub-Treasury without notice. In general, however, the chances of your finding any excess or deficit in counting the Sub-Treasury are

extremely small, and it is possible by thinking out your methods carefully, to arrive at the most expeditious method of complying with the instructions. A case of fraud to the tune of half a lakh of rupees is described in Appendix C, so never neglect your checks.

Thereafter you can move to a table on the main verandah and go through the inspection memo, which your office has got ready, with the Mamlatdar, taking up each point in succession, listening to what he has to say, and calling for and seeing any papers which for elucidation it is necessary to see. Some of the points can be satisfactorily dealt with by discussion, and then can be at once struck off from the inspection memo. Other points will have to form the subject matter of enquiry and report by the Mamlatdar. Where you call for papers regarding any point raised in the inspection memo., make the clerk who deals with that subject in the Mamlatdar's office, bring them up in person.

It is probable that you will find that much of the delay and disorganization in the average Mamlatdar's office is due to laxity in keeping control of correspondences sent to the Circle Inspector and Village Officer for report. Insist on the production of the Control Register, which shows the subject of every correspondence sent to these officials, its date of despatch, the reply and further disposal. Go through every item of this personally, and with the Mamlatdar issue orders for the disposal of any which has not been returned within reasonable time.

This brings up that important point in the organization of a Mamlatdar's office referred to at page 25. It is imperative that the Head Clerk (Aval Karkun)

Scrutiny of
Inspection
Memo.

Control
Registers.

should be held responsible for the running of the office, for the Mamlatdar, being on tour for half the month, cannot possibly control the routine. * Therefore, it is not the Mamlatdar, but the Aval Karkun who must be blamed if you find 100 or more correspondences shown as lying undisposed of with Village Officers.

You will possibly find that this Control Register (*vide* Breviary paragraph 70) has not been kept properly upto date. You should verify it by calling the Circle Inspectors, who are waiting to bring up their pending papers, and check these in the Register and, if you find any omissions of entering either dispatch or receipt, you must assume this to be the fault of the Aval Karkun. A further check can of course be made by taking a note of correspondences with the Talatis in the Taluka and comparing those with the Register. If you find, as I have found, that nothing has been entered in this Register for weeks, give the Aval Karkun a couple of months' time to get it in order with every single correspondence with Circle Inspectors or Talatis entered up in it and then make a surprise inspection personally. If an Aval Karkun is to be promoted to be a Mamlatdar, he must be able to prove his capacity by controlling his office, and you need not hesitate to insist on his doing so.

Any censure on the Mamlatdar for not having kept his Aval Karkun up to the mark, should be reserved for when you see the Mamlatdar personally in private later.

A good deal of your office inspection note will deal with the work of the local Magistrates. Some of the

points noted will be mere errors by Magisterial clerks, others errors through lack of energy or of imagination by Magistrates, such as not seeing that the witness bhattacha is paid on the same day. If serious errors in magisterial work are brought to notice, these are best reserved for personal discussion with the Magistrate later. (See Magisterial work, p. 64)

Having finished the memo. of inspection, then take the chart of the distribution of work in the office (*vide* Breviary paragraph 4) and have each clerk in turn bring up all the papers, that he has lying with him, and the books and registers that he has to fill in. With the help of the Mamlatdar and your Sheristedar run through each case very rapidly to see that it is not being unduly delayed, and that it is being intelligently dealt with, meanwhile seeing the Clerk's handwriting and questioning him to get an idea of his ability. Glance at Account Books and registers to see if they are neatly and legibly written, etc., etc., as well. This examination in practice will not take so very long, as some of the clerks, e.g., the Shroff, the Magisterial and the Record Clerk, have with them few correspondences. The more flagrant cases of delay and ineptitude will have been dealt with already in the Inspection memo. But you get some opportunity of judging the ability of each clerk, who is overworked and why, whether the distribution of work among clerks needs modification, how far the Aval Karkun is efficiently running the office, etc.—and you may find much that needs putting right.

Taluka
Establish-
ment :
Distribution
of work.

Subject Circle Inspectors to the same examination.

Then take the establishment list of the Mamlatdar's office, call up again each clerk, candidate and Circle

Inspector in turn, praise him publicly for any satisfactory work you have found in your inspection (but do not censure publicly for any mistakes you may have found), and ask him if he has anything to say, or any request to make, and listen to him patiently. It is probable that you will not be able to give a definite answer at once, but do not forget to look into any grievance and to give him a written reply, under your own signature later.

The Mamlatdar's peons may be asked collectively, or through the Havildar, whether they have anything to say. They may ask for free Government quarters and you can then explain that there is no hope of getting them or for the provision of new uniform or of warm coats, which you can try and wangle out of an inadequate grant for clothing, or put in for a special grant to replace obviously worn out stuff.

Sub-Jail. Then let the clerks and others go home for their meals. With the Aval Karkun and the clerk in charge of Magisterial work, visit the lock-up and sub-jail and enquire of the prisoners whether they have any complaints to make. If you can, see the food which they get, find out who supplies it, what is being paid for it, how many meals a day they are given. Sometimes there is a tendency on the part of contractor to cut down the number of meals to his own profit.

Be particular to enquire whether any prisoner has been here for an excessive period and, if so, why. If he is an under-trial prisoner before any Taluka Magistrate, see if he cannot be let out on bail. Be most particular to see that proper arrangements are as far as possible made for women prisoners and that children

are not kept in a lock-up. (See Bombay Children's Act, etc.) Make sure that the Aval-Karkun, if he is the official jailor, sees to Sub-Jail matters himself and does not leave these to a junior clerk, who leaves them to a peon, who does nothing.

All this will have taken probably more than one morning; but the more efficiently you can organise the Mamlatdar's office, the less work *you* will have, therefore it is worth while. In this connection read the Manual of Revenue Accounts, 5th edition, Taluka Notes, pages 3—6 which indicates points to be attended to in Taluka offices.

A, B, C, D lists deal with the filing and record of papers and will give you an idea of the multiplicity of subjects with which the Revenue Department has to deal. In addition, the 1914 edition of these lists has a preface which will be found useful when you come to examine the organization of your own or the Mamlatdar's office. A, B, C, D
Lists.

Occasionally, if camping near or passing through a taluka town, pay a surprise visit to the Mamlatdar's office about 12 noon to see if all the staff have started work. If the Aval Karkun has not a cast iron reason for any absentee, he should get into serious trouble. In remote talukas, slackness very rapidly comes over an office with a poor head. Surprise
visits.

CHAPTER V.

MAGISTERIAL WORK.

(The sections quoted, except when otherwise stated, refer to the Criminal Procedure Code.)

This has two aspects: (1) the cases which you try yourself and (2) the supervision which you, as Sub-Divisional Magistrate, have to exercise over Subordinate Magistrates in their criminal work.

To deal with the former first, certain books of reference must be always with you while dealing with magisterial matters, especially—

- (1) The Indian Penal Code,
- (2) The Criminal Procedure Code,
- (3) The Indian Evidence Act,
- (4) Circular Orders issued by the High Court of Bombay for the guidance of Criminal Courts.

Receipt of
complaint.

The initial step in your magisterial work is the receipt either of a police report or of a complaint, alleging commission of an offence. A Police Report or a complaint from a Government officer will be taken up for trial as a matter of course. But the entertaining of a complaint from a private individual is governed by Section 200 seq. of the Criminal Procedure Code.*

*Criminal Procedure Code, Act V of 1898.

(Sections 200-203.)

Examination of complainant. 200. A Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate.

Provided as follows :—

(a) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 192 ;

(aa) when the complaint is made in writing, nothing herein contained shall be deemed to require the examination of a complainant in any case in which the complaint has been made by a Court or by a public servant acting or purporting to act in the discharge of his official duties ;

(b) where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and (where the complaint is made in writing) need not be reduced to writing ; but the Magistrate may, if he thinks fit before the matter of the complaint is brought before him, require it to be reduced to writing ;

(c) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

201. (1) If the complaint has been made in writing to a Magistrate who is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper Court with an endorsement to that effect.

(2) If the complaint has not been made in writing, such Magistrate shall direct the complainant to the proper Court.

202. (1) Any Magistrate, on receipt of a complaint of an offence of which he is authorised to take cognizance, or which has been transferred to him under section 192 may, if he thinks fit, for reasons to be recorded in writing, postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself, or, if he is a Magistrate other than a Magistrate of the third class, direct an inquiry or investigation to be made by any Magistrate subordinate to him, or by a police-officer, or by such other person as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint :

(Provided that, save where the complaint has been made by a Court, no such direction shall be made unless the complainant has been examined on oath under the provisions of section 200.)

[(2) If any inquiry or investigation under this section is made by a person not being a Magistrate or a police officer, such person shall exercise all the powers conferred by this Code on an officer in charge of a police station, except that he shall not have power to arrest without warrant.]

Procedure by Magistrate not competent to take cognizance of the case. Postpone-ment for issue of process.

[(2A) Any Magistrate inquiring into a case under this section may, if he thinks fit, take evidence of witnesses on oath.]

(3) This section applies also to the police in the towns of Calcutta and Bombay.

Dismissal of
complaint.

203. The Magistrate before whom a complaint is made or to whom it has been transferred, may dismiss the complaint, if, [after considering the statement on oath (if any) of the complainant and the result of (the investigation) or inquiry, (if any) under section 202]; there is in his judgment no sufficient ground for proceeding. In such cases he shall briefly record his reasons for so doing.

On receiving a complaint you will have to examine the complainant on oath, and do not be misled into the idea that an endorsement that "I, A.B., state that the above is true" followed by the complainant's thumb mark and your signature is in any way compliance with Section 200.

It is necessary by yourself examining the complainant to elucidate whether, on the facts which he has presented, any offence has been committed, and if so, what.

"A complaint is too often accepted for trial or referred to the Police when a few well-directed and searching questions might have cleared the matter up. Especially should the practice be kept under check of sending non-cognizable cases to the Police for enquiry, for often it is playing into the hands of complainants who only want to worry their opponents."

For instance, a surly and able-bodied villager may bring up a complaint under the latter part of Section 506 Indian Penal Code "Criminal intimidation by a threat to cause death". Some knowledge of village life and a few questions will perhaps elicit that the accused does not bear a bad character, that he has never been convicted, nor is he suspected of having caused

the death of any one in the past, nor is complainant actually anticipating being murdered, and that the accused and the complainant *did* have a dispute over the former's calf getting into the latter's field. And it would soon be apparent that one party, if not both, lost his temper and slanged the other. Having regard to conditions of village life and the nature of village abuse, this cannot seriously be considered as criminal intimidation. If it is any offence, it is abuse or petty assault, and the complaint can be disposed of by being dismissed immediately, under Section 203 as falling under Section 95, Indian Penal Code, being an act causing slight harm.

But if the complaint be hastily accepted and transferred immediately under Section 192 to the Aval-Karkun and Magistrate, Third Class, of the Taluka, the probability is that the Magistrate will not realise that under Section 200 proviso (a) he can —and should— examine the complainant on oath, and he will be afraid to dismiss under Section 203 a complaint that has been transferred to him by the Sub-Divisional Magistrate. A regular case will, therefore, be begun and heard by the Aval-Karkun at spasmodic intervals, amid the stress of taluka office business; 10 witnesses will be called each day; only one will be examined and the rest will be sent back for a week hence, and so on; pleaders will be engaged on both sides; and eventually the accused will be acquitted or fined Rs. 5, the case having cost several hundreds of rupees in waste of time, pleader's fees, witness bhatta and the like. And, to conclude with the lowest reasons for performing your own duty, the case, when it comes back to you on appeal, will waste 2 or 3 hours of your time in struggling through

an unwieldly mass of evidence and unintelligible statements, and listening to long-winded pleaders.

All this should have been avoided at first by putting intelligent questions to the complainant.

(Of course a complaint under Section 506, Indian Penal Code, second part, could not be tried by a third class magistrate, but that such delays and waste of time should come from a complaint under the first part of Section 506, would make it even more deplorable.)

It also happens that a complaint on examination may disclose no ground for *criminal* proceedings. Unfortunately efforts are often made by persons with civil grievances to get these before the Criminal Courts, either to bring pressure to bear on their opponents, or to avoid the lengthy proceedings of the Civil Courts. Such complaints should always be regarded with suspicion when filed after civil proceedings have been begun or threatened, and in a proper case should be adjourned till the Civil proceedings have been finished.

Again some complaints can be settled merely by the examination of, and a talk with, the complainant. Knowledge of local customs is of use. An old woman once complained that, on the day before, her son-in-law had threatened to kill her and had beaten her, etc., etc. She was asked if the day on which the affair took place was not "Shimga", on which it was the custom among certain classes to use bad language towards one's relatives and friends. Thereupon she grinned cheerfully, said "yes", and no more was heard of criminal proceedings. If the case had been,

taken up or transferred to a Magistrate, by the time it came for trial, everyone would have forgotten the significance of the date of the offence, and the case might have lingered for months before it was finally decided.

When taking action under Section 200, Criminal Procedure Code, Proviso (a), to transfer a case, or under Section 201 to return a complaint for presentation to the proper court, or under Section 202 to direct an enquiry by a Magistrate or by the Police, or under Section 203 to dismiss a complaint, always state the section under which you make the order, as this may save future legal complications. In acting under Sections 202 and 203 do not forget to record your reasons.

The Master of the Rolls, Sir George Jessel, is said to have remarked regarding the English Bench, that the difference between a good and a bad Judge is never more than 5 per cent., and that the only thing that matters is "dispatch". This can hardly be applied to the Magistracy in India, when there are very obvious differences between good and bad Magistrates, but the importance of dispatch is here even greater. The Criminal Procedure Code and the subtlety of the legal intellect provide a large number of expedients by which parties and their advisers can delay dispatch in criminal cases. It is possible, however, for a Magistrate to do much to minimise these delays.

In the first place fix as the time for attendance of the parties and witnesses one at which you yourself will be ready to take up the case, and do not call for that day more witnesses than you are likely to be able to hear. Do not leave this to your Magisterial clerk, who, unless

Disposal of
cases.

Avoidance of
Delay.

continually supervised, will undoubtedly call up more witnesses than there is any chance of your taking up that day.

“53. Magistrates should remember that priority should as a rule be given to Criminal work over other work, and that every effort should be made to reduce as far as possible the hardship to parties and witnesses which the proceedings entail. The hearing of a case should usually go on from day to day excepting Sundays and authorised holidays. Adjournments when necessary should be as short as the circumstances will permit. The Magistrate should always sit punctually at the appointed hour so as not to keep people waiting, and when on tour should take the utmost care to let parties and witnesses know the place and hour fixed for their appearance, and do everything in his power to avoid putting them to any unnecessary inconvenience.”

(Paragraph 53, pages 40-41, Chapter III, of Circular Orders issued by the High Court of Bombay for the guidance of the Criminal Courts, 1931.)

“54. The following extract from the Circular, Home Department, No. 3650-D, dated the 24th September 1923, to the District Magistrates in the Presidency is republished for general information :—

“ * * * * *

“2. It will be seen from the instances given by the Inspector General, which will be supported by your own experience, that the trials of cases are not held *de die in diem*, as recommended by the High Court. Unnecessary, prolonged and frequent adjournments defeat the ends of justice, are a source

of oppression to the poorer parties, inflict unnecessary harassment on the witnesses and Police, and are a source of great and needless expense in the payment of bhatta. The High Court had laid down in paragraph 53, Chapter III, of its Circular Orders relating to Criminal Courts that 'the hearing of a case should usually go on from day to day excepting Sundays and authorised holidays'. If the practice of conducting cases *de die in diem* is strictly followed, exceptions being allowed only where an insistence on it would defeat the ends of justice, many of the present abuses would disappear. Magistrates should therefore be directed to explain in their diaries all those occasions on which they have failed to comply with this practice, and you should very carefully scrutinise these explanations. You should in particular remember that postponements merely for the convenience of pleaders are without justification, being against the interests of the public.

"3. The High Court Circular quoted above was intended 'to reduce as far as possible the hardship to parties and witnesses which the proceedings entail'. Your attention is particularly drawn to paragraph 47 of the Circular :—

'To avoid the needless harassment of witnesses by detention for cross-examination after the charge has been framed, Magistrates will usually find it convenient not to wait for the completion of the evidence for the prosecution, but to frame the charge as permitted by Section 254 at an earlier stage, as soon as from the examination of the prosecution or complainant or otherwise it is apparent that there is a *prima facie* case.'

“ You should note the words ‘ as soon as ’. It is within your knowledge that often after the examination-in-chief, cross-examination is deferred till all witnesses are ready for it. For this they are brought back to the Court on different dates. Thereafter the charge is framed, and once again they are brought back for further cross-examination. You should pay special attention to the suppression of this practice which is in direct conflict with the principles underlying the Circulars of the High Court..... ”

(Paragraph 54, pages 41-42, Chapter III, of the Circular Orders issued by the High Court of Bombay for the guidance of the Criminal Courts, 1931.)

Most of the cases which you will have to try will be “ Warrant ” cases ; therefore familiarise yourself thoroughly with Chapter XXI of the Criminal Procedure Code. Note particularly that, as indicated in the High Court Circular quoted above, under Section 254 you can frame the charge against an accused as soon as you are of opinion that there is ground for presuming that the accused has committed an offence.

Cross-exami-
nation.

Under Section 256 (1) the accused, after hearing the charge, is given till the commencement of the next hearing of the case to say whether he wishes to cross-examine any witness that may have been examined for prosecution. But this section also provides that, if the Magistrate so thinks fit and records reasons in writing, the accused may be called on at once to state which witness or witnesses he wants to cross-examine, and that these witnesses should be recalled and after cross-examination and re-examination shall be discharged at once.

An accused is often not averse to giving as much trouble as possible to those who testify against him, and therefore he tries to get them called back from their homes for cross-examination on another day. Again an inexperienced lawyer, instead of having his defence ready, is sometimes inclined to hope like Mr. Micawber that something helpful to his side may turn up, if he postpone cross-examination of the prosecution witnesses. Neither reason for postponement is adequate. It is probably very seldom that in a magisterial case any injustice will be done by insisting on cross-examination immediately after framing the charge, especially as it is always possible under Section 257 for the accused to apply to the Magistrate to recall a witness for cross-examination. But note the proviso to this section, that a witness cross-examined after the charge will not be recalled unless the Magistrate is satisfied that it is *necessary* for the purposes of justice. Action under Section 257 (2) requiring that such a witness's expenses be deposited in Court is a further check against unnecessary recall.

Section 526 (B) provides that either party may apply for a transfer of a case to another Court and that the Court *shall* then adjourn the case for such period as will afford sufficient time for the application to be made and order obtained thereon. It is regrettable, but this section is sometimes taken advantage of merely to protract proceedings, when the party applying has really no valid ground for requesting a transfer. It may therefore on occasions be desirable that the Magistrate should require under this section the execution of a bond that the applicant will make an application within a reasonable time fixed by the

Application
for Transfer:

Magistrate, and he should fix a reasonable time for the purpose.

Some Magistrates seem to think that adjournments which do not involve recalling witnesses—e.g. for argument whether a charge should be framed or for argument after conclusion of the evidence,—ought to be always given. But such adjournments involve the attendance of the accused, and if he is not on bail, his detention in jail, and should be avoided as far as possible. A pleader should be prepared to argue his case as soon as the evidence is closed.

Nor is there any excuse in an ordinary case to adjourn a case for a week to write a judgment. The quicker the judgment is written, the fresher in the Magistrate's mind will be the material on which it is based.

Legal representation.

Every accused person has a right to be represented by a pleader (*see* Section 340) but this does not give an accused or a complainant the right to the adjournment of a case until he secures the services of a pleader. So long as a party has had reasonable notice of the date, there is normally now, in view of the crowded state of the bar, no reason why he should not have arranged legal representation before the case is called, and adjournments for him to secure a pleader should be refused.

Equally adjournments merely to suit the convenience of pleaders who may have other engagements, should not be given if they involve further delay or the recall of any witnesses or of the other party.

The Bar.

Some delay is unfortunately due to the inefficiency of the mofussil Bar, and this is more difficult to

deal with. Pleaders will be found cross-examining and re-examining at inordinate length, very largely with enquiries on subjects irrelevant to the case. The reasons for this are: partly perhaps the absence of the prolonged legal training which the English Barrister undergoes: partly perhaps the competition at the local Bar, so that the pleader feels that the more he may cross-examine the witnesses, the more he will seem to give his client his money's worth, and so the more briefs he will be likely to receive: partly perhaps the inefficiency of some of the Subordinate Magistrates, who seem to judge the credibility of a fact by its repetitions and the incredibility of a witness by the number of futile minor discrepancies that irrelevant cross-examination can extract: partly perhaps some Subordinate Magistrates' lack of magisterial experience and of legal training which makes them nervous of opposing the Bar and of restricting its cross-examination to relevant questions.

Some of these causes are beyond the power of a Magistrate to remedy, but much can be done to guide the inexperienced pleader on the lines he should follow. Do not allow insulting questions to be put to a witness unless the pleader will explain the relevance and vouch for the information on which they are based. You can indicate tactfully that a certain line of argument which the pleader wants to follow seems to you irrelevant, and even if relevant, not to be of much value to his case. Never hesitate to ask a pleader to explain to you the relevancy of any question he may put in examination-in-chief and, if you decide it is irrelevant, then disallow it. Irrelevant cross-examination is more difficult to deal with, since disclosure of the relevance of a question

may put a lying witness on his guard. As a Magistrate you should never argue with a pleader, but hear what he has to say as patiently as possible and, if necessary, call on the other side for its view, and then definitely allow or disallow the question or line of argument in dispute.

A Magistrate can do much to help the young pleader to get knowledge of how to conduct cases and you should remember that many of them are not only inexperienced, but have obtained their Pleadings Sanads at a financial cost they can ill afford, only to find that the Bar is over-crowded and that they have precious little chance of ever making a decent living. Courtesy and sympathy from Magistrate will help them to learn their profession. On the other hand discourtesy and deliberate obstruction from the Bar should be severely reprobated.

Commen-
taries and
Rulings.

A Magistrate will be well advised to stick closely to the text of the various Acts and Codes with which he has to deal, without being led into dalliance with their fascinating annotations and commentaries. Rulings of the Bombay High Court are of course binding on all Magistrates within its jurisdiction. When, however, a ruling does not seem entirely applicable to the circumstances to which a pleader seeks to apply it, you should ask to be shown the report of the case in the Bombay Law Reports. It is sometimes found that pleaders quote as authority decisions, which, on examination, do not so aptly apply to the question under discussion.

Proceedings

During a trial the Magistrate has to keep a form of proceedings laid down by High Court Circular page 37, and particularly remark the foot-note which enjoins

that all the entries, from the time that witnesses begin to be heard, must be made in the Magistrate's own handwriting. This sounds a small point, but you will find that doing so is definitely an aid to keeping your control of the progress of the case.

Remember that it is a Magistrate's duty to see that Magistrate's
as far as possible justice is done, and not merely to duty.
decide cases by what is put forward on either side by the parties or their pleaders. So, when either party is not represented by a pleader, you have yourself perforce to adopt the role of a pleader for the unrepresented. There are now so many pleaders that it is not likely parties will often be unrepresented in your Court, but even though both sides be represented, it is none the less your business to see that the facts on both sides are properly put forward and considered.

Under Section 342 a Magistrate *can* at any stage and, after the prosecution closes, *must* question the accused. Mere perfunctory questions as to whether he has anything to say in the light of the evidence against him, do not comply with this section. It is your duty to see that the accused has every opportunity to explain personally any circumstances which seem to tell against him, or to confirm those which seem in his favour.

"In the examination of witnesses do not be led into the error of laying too much stress on discrepancies. Witnesses.
Among the average witnesses of this country—inaccurate in observing, loose and rambling in speech—entire consistency with themselves and with one another would be a positive proof of concocted perjury. A much more significant point than ordinary

contradictions is whether or not the opposite party can suggest any reason why a witness should be regarded with suspicion."

"In most important cases Police officers will be engaged. The Magistrates should treat them, and insist on others treating them, with the consideration due to their rank. They may be proved to be mistaken or carelessness or corrupt or cruel, but like everyone else, they are entitled meanwhile to a presumption in their favour. As guardians of the public peace and safety, they should receive fitting assistance and protection and respect, so long as they do their often difficult duty, and unsparing correction when they fail."

Section 363 provides for recording your remarks on the demeanour of a witness. Such remarks recorded below the witness's deposition in some detail will be of assistance to an Appeal Court in assessing the credibility of the witness, and should not be omitted when some brazen liar or nervous perjurer appears in your court.

A point which sometimes arises is whether a respectable witness should be allowed a chair when giving evidence. This is dealt with on page 56 of the High Court Circular, paragraph 85.

Judgment. Section 367 gives directions regarding the form of judgments. In cases under the Indian Penal Code, it is useful to look up from an annotated code what are the factors which have to be proved to constitute the offence charged, and in your judgment to state these very clearly, as they are the points for decision

, in the case, i.e., these elements of the offence must be proved before the accused can be held to be guilty under the Section. And before you decide that the accused is guilty, make sure that you have adequate reasons to answer each point in the affirmative.

A Magistrate's judgment must not only be right, but it must so expressed that it will convince an appeal Court that the Magistrate has reached the right decision, and has the right reasons for that decision. You must therefore leave no doubt as to what your opinion is about each point, and as to the facts which led you to hold that opinion.

You will assist both your own thinking, and the appeal Court, if you write your judgment in fairly short and numbered paragraphs, and, if, in mentioning a series of reasons or facts, you sub-number these also. The typical old-fashioned Third Class Magistrate's judgment which consists of a dozen or more closely written pages, recapitulating *in extenso* the evidence of all the witnesses, without giving any hint of the Magistrate's own views of the credibility or otherwise either of the witnesses or of the facts, and ending with "therefore I convict the accused", must be avoided at all costs.

Never fall into the illogical error of giving a man Sentences. whom you have convicted, a light sentence, because you are not *quite* sure that he is really guilty.

What sentences should be imposed for any offence is sometimes a problem to the inexperienced Magistrate but no general rule can be laid down. The sentence must obviously depend on the individual case, the nature

of the offence, its prevalence, its consequence to public safety, the age, status, sex, etc., etc., of the criminal. To some extent a guide can be found as to the relative sentences which should be inflicted, in the maximum sentences prescribed for the offence in the Indian Penal Code. But if you have succeeded a senior officer, it is worth while running through some of his cases or his magisterial returns, and seeing what he, and the Appeal Court, considered suitable sentences for various offences.

Various.

Section 250 enjoins that when an accused is acquitted and the Magistrate considers that the accusation was false and either frivolous or vexatious, he may call upon the complainant to show cause why he should not pay compensation to the accused. This power will probably not be much exercised by a Sub-Divisional Magistrate as a large number of his cases are sent up by the Police, but occasionally in other cases it is very desirable to emphasize that the process of the law is not meant for the vexatious harassment of individuals. More frequent use of this section by Subordinate Magistrates who deal largely with private complaints, would undoubtedly be beneficial to the administration of justice in reducing the number of unnecessary cases.

In non-cognizable cases which end in conviction, the Magistrate should, as laid down in Section 544 (a) collect from the accused certain expenses paid originally by the complainant.

The use of Section 545 which provides for the payment of expenses or compensation to a complainant out of the money recovered as fine may reasonably be used more freely than many Magistrates use it.

To turn now to the control which, you as a Sub-Subordinate Divisional Magistrate will have to exercise over your Subordinate Magistrates of the Second and Third Classes, you will receive from these the various returns prescribed under High Court Circular, Chapter XIII. You will also check their work when examining the Mamlatdar's offices, and, when you have been invested with appellate powers, appeals from their decisions will come before you. There is thus ample opportunity for judging their work.

Their criminal returns you will examine monthly under High Court Circular note (b), page 148, and in examining these returns insist that they are prepared in accordance with the High Court Orders. There is a tendency for magisterial clerks to fill the forms up with vain repetitions of the definitions of the offences, and to neglect to state the actual facts, and Subordinate Magistrates are inclined not to bother to supervise the filling up of these returns. In your examination the following are some points to note :—

(1) The forms must be legibly written as neither you, nor the District Magistrate, nor the High Court have the time to waste struggling with badly written manuscript. If illegible, return the form at once to be written out properly.

(2) Was the accused in custody, and if so, for how long, both before and after the case was taken up. Magistrates are sometimes entirely oblivious of the hardship of keeping an accused in jail for weeks or months.

(3) The length of time which the case has taken from beginning to decision. This is where you will

probably find your Subordinate Magistrates are least competent. The suggestions which have been made in the comments on conduct of cases in your own court [see page 49] to ensure "dispatch" must be insisted on in the courts of your Second and Third Class Magistrates.

(4) The Sentence.—Some Magistrates have idiosyncrasies which make them give either excessively light or excessively heavy sentences for various offences. More or less a general level of punishment is desirable. Especially check any tendency to short sentences of imprisonment.

(5) Whether the Magistrates utilise Section 250 to deal with false and frivolous complaints, and whether they use Section 545 to award compensation out of the fines. Both these salutary provisions Subordinate Magistrates seem to forget.

(6) Reasons for adjournments.—Do not hesitate to point out to a Magistrate that such and such reasons he has given for postponing a case are inadequate.

If you think that a Magistrate has gone seriously wrong, you should call for the papers under Section 435 (1) and, if you consider necessary, release the accused on bail. Thereafter report the case to the District Magistrate under Section 435 (2). (All Sub-Divisional Magistrates in the Bombay Presidency have been empowered under this Section by Government Notification, Home Department, No. 1011/2, dated 18th January 1927.)

Short sentences. Above all, in checking the Magistrate's returns watch the sentences carefully, as, despite continual adjurations

by Government some Magistrates still inflict short sentences. Obviously, under ordinary circumstances, a short sentence is of no use at all, for while it is not long enough to reclaim the hardened criminal, it brings the first offender into contact in jail with undesirable characters from whom he will certainly learn habits of crime.

So when on perusing a Magistrate's return you find a short sentence, always draw the District Magistrate's attention to it so that he can if he thinks fit act under Section 435 (2) and release the prisoner on bail under Section 438.

What sentence is a short one, has not been defined, but perhaps a working rule may be that any sentence under two months imprisonment needs considerable justification, and that any sentence of imprisonment under a month makes one doubt the fitness of the Magistrate to hold magisterial powers.

So, when on perusing a Magistrate's returns, you find a short sentence, always consider whether you should not take action under Section 435 (1) and release the prisoner on bail, pending the District Magistrate's dealing with the case.

Many subordinate Magistrates do not make sufficient use of Section 562 for first offenders, nor of Section 106 regarding security for keeping the peace on conviction. Magistrates not empowered under these sections should send such cases to you under Section 562 and Section 349.

Sentences of fine must be as far as possible proportionate to the ability of the prisoner to pay and

all efforts to recover the fine must be made. Section 388, Criminal Procedure Code, gives a Magistrate discretion to allow time for payment. •

“Sufficient security should be taken that the accused does not run away. If a Subordinate Magistrate is so careless as to allow a convict time to pay the fine without taking security and he absconds, you will be justified in taking disciplinary action against the Magistrate himself. The case will come to your notice, because he will ask you to write off the fine.”

(Junior Collector's Handbook, p. 78.)

Discussion
with Magis-
trate.

When examining a Mamlatdar's office, discuss with the Magistrate any points which your office have put up in the inspection memo on magisterial matters. But in addition to this, discuss personally with the Magistrate, not in public in the office but in your camp, the judgments in any case where you think he has gone wrong or has written judgments in unintelligible fashion. And, though in appeal the conclusions and inferences of Third Class Magistrates may be sometimes rejected with comments, their judgments are seldom criticised from the point of view of form, lucidity, and arrangement ; and unless a judgment is discussed in detail, it is difficult for a young Third Class Magistrate to realise why his painstaking précis and essay of a dozen pages is far less useful, and less likely to be upheld in appeal, than a brief and properly digested judgment of a page and a half. Explain to him the necessity for fully stating the points for decision and for giving the reasons why he reaches a decision on each point, and the imperative necessity of putting the whole in a comprehensible and intelligible form.

Sometimes it is necessary to point out to a Magistrate the delays in his court, and, e.g., that postponement of a simple case for a week "to write judgment", is liable to give cause for the ill natured to wonder if the Magistrate was waiting to see which side would pay most, and that, though of course in his case this is absurd, he would be wise to be more expeditious in future.

If, after continued advice and warning, a bad Magistrate shows no improvement in his work, it is better to ask the Collector to remove him to some less important charge where his lack of intelligence will not be such a hardship on the public as are his judgments. In this connection note para. 4 on page 42 of the High Court Circular which instructs you to make particular mention in reporting on a Magistrate of the methods of despatch given in High Court Circular, p. 40, para. 53, noted above at p. 50.

CHAPTER VI.

CHAPTER CASES.

Ch. VIII, Chapter VIII of the Criminal Procedure Code
Cr. P. C. deals with the prevention of offences and an Assistant Collector will find that "Chapter Cases" are in some respects more difficult than ordinary trials.

As Sub-Divisional Magistrate you are responsible for the preservation of law and order in your Sub-Division, and this is not a duty which you can leave entirely to the Police.

From your visits to villages you will soon get to know as well as the Police (though not in such detail) the villages which are particularly troublesome, the villages where factions exist, where such factions are likely to lead to breaches of the peace, and where breaches of the peace will probably result in serious affrays or murder. In your talks with Mamlatdars, local gentlemen, officials, villagers, etc. in your Sub-Division, you may learn the name of any notorious bully who wields an undue influence in his village, or of the itinerant, possibly Pathan, money-lender who extracts his dues with a stick, or of the unscrupulous landlord, who has reduced his backward class tenants to predial slavery. You may come across villages where it is rumoured that so and so is at the back of a gang of thieves, or is a goldsmith with a reputation for receiving stolen property. You will receive petitions making allegations of intimidation, assault, theft, etc., against individuals, opposite parties, the village Ramoshis, etc.

It is for you to see that action is taken in all reasonable cases. Most Chapter VIII cases are of course initiated

by the Police, but if information comes to you through other channels, and you think that action may be desirable for preservation of the peace, etc., you must instruct the police to investigate the matter and, if necessary, to send up a case.

Section 107, Security for keeping peace, is useful in dealing with factious villages. Sometimes even the mere initiation of proceedings against the leaders of both factions will lead to a reconciliation and no action be necessary. But remember that, if by binding over the leaders of one or both sides, you are likely to prevent a dacoity, or a murder, or two, being committed, it is your duty to take action. In some parts faction riots and serious affrays are seasonal, and action should be taken just before the murder season sets in, e.g., villagers may drink to get warm after a cold day's work in the rain during the rice transplanting season, and having drink taken, start rows with their enemies, ending in the death of one or two.

Section 110 is sometimes difficult inasmuch as by Section 117 (4), evidence of general repute is admissible to prove or indicate that a man is a robber, receiver of stolen property, harbourer of thieves, etc., etc. Only experience will teach you what weight can be given to evidence of repute. "There is no smoke without a fire" is normally *not* a safe rule of evidence, but on the other hand common repute in a village is usually a pretty safe guide to a man's character, provided that it is not distorted by faction or personal enmity. Remember that the villager who gives evidence against

a local blackguard will not do so without good reason for fear of revenge, again subject to the proviso above. It is often useful to hear such Section 110 cases in the village concerned, where local public opinion will have an effect on the truthfulness of witnesses which it would not at a distant Taluka town.

Conditions in the remoter parts are often such that one ruffian can be a terror to his fellow villagers, who are unlikely to try to take any action against him, unless they know that the Police and Magistrates understand local conditions and are anxious to ensure that everyone should live in peace and quietness.

Section
109.

Section 109, which provides for security from vagrants or suspected persons, also presents some difficulties. Section 109 (b), which deals with persons who have no ostensible means of sustenance, would, if applied strictly, cover a vast number of beggars, pilgrims and other harmless individuals, and discretion must be used in its application so that it does not become merely a harassment of the poor.

CHAPTER VII.

TOURING.

“The objects of touring are to gain acquaintances General. with and to test the work of subordinates, to make sure that orders have been carried out; to settle disputes and difficult questions on the spot; to come into contact with the people; to ascertain their real wants; to learn their modes of daily life and ways of thinking; to get a knowledge of the land and its administration, and agricultural and industrial methods; to watch the working of all Government agencies. Nothing affecting the interest of Government or of the people is beyond the Assistant or Deputy Collector’s ken.”

The following instructions have been issued by Government in G. R., R. D., No. 5230/33, dated 8th January 1937, regarding touring in rural areas and maintaining close and personal touch with the villages.

“2. *Amount of touring.*—In the case of Prant Officers, a rigid minimum cannot be prescribed in view of the varying conditions obtaining in different districts, but the standard should be 210 days touring in the year. The Commissioners should be asked to scrutinise the diaries of Prant Officers with a view to seeing that they do not neglect outlying places and tracts where there are no bungalows.

“3. *Frequency of visits to villages.*—As regards Prant Officers the standard which Government expect—this

requirement is not to be interpreted as a formal minimum—is that every village should be visited at least once in the course of five years.

“4. *Tents*.—Government consider that Prant Officers must camp away from main roads and off the beaten track if they are to acquire an intimate knowledge of their charges. Hence even in the districts well supplied with bungalows tent camps should be made.

“5. *Duration of Camps*.—Government agree with the Commissioners that long camps are better than short ones. The Commissioners should be asked to take this into consideration when scrutinising the diaries of Prant Officers.

“6. *Continuity of tours*.—The Commissioners should impress upon Prant Officers the desirability of their so arranging their programme as ordinarily to avoid hurried tours and frequent visits to headquarters.

“8. *Inspection Registers*.—The village inspection Register shown as an accompaniment to this Resolution should be printed as a standard form and maintained by all Prant Officers. The column for remarks is intended for the recording of notes which may be of value at subsequent visits. Collectors and Commissioners should check the form from time to time.”

“ Register of villages inspected by the.....

Serial No.	Name of village.	Date of inspection in the Revenue years.					Remarks.
		193 -3	193 -3	193 -3	193 -3	193-3	

“ Before starting in November, a line of tour for the next seven months should be roughly marked out, which will as far as possible, bring the camp at one time or other within touch of every part of the charge and will include at least one visit to every taluka headquarters and Mahalkari's station.”

In planning a tour it is well to look up the District Planning volume of the Bombay Gazetteer and the Survey and a tour Settlement Reports of the Talukas to be visited, especially the older Reports. If your office is not provided with the one inch to the mile maps of your charge, inquire if you can get them for it, and if funds are not available, ask the Collector for a grant and see if meanwhile you may borrow his copies of these maps. These 1"=1 mile maps are invaluable to touring officers, for they usually give you sufficient data to find your

way about the country with scarcely any other assistance, as roads, cart tracks, footpaths, village boundaries etc. are all clearly shown. Have them mounted in such a way that you can take one or two sheets in your coat pocket while riding, and you will find that they save much time, as you can ride along without having to accommodate the pace of your horse to that of the village Mahar who is showing you the way on foot.

Touring is made far more interesting if you take an interest in the past history of your charge, or in its present inhabitants, or its fauna, or its flora.

The District Gazetteer will give you references to most of the historical works that refer to your District and if you want to examine these further, join the Bombay Branch of the Royal Asiatic Society so as to have the use of its extremely good library. It has an admirable system for touring officers by which a box containing up to 12 volumes is sent to and from you in Districts. The Library is also useful for the provision of lighter reading.

If you are interested in animals or plants, join the Bombay Natural History Society, which publishes an admirable journal.

If you want to shoot big game, get Dunbar Brander's Wild Animals of Central India, whatever other books you may read on the subject.

In any case read "Tribes on my Frontier" and "Behind the Bungalow" by EHA. and if you do

not before know much about keeping a horse, buy "Indian Notes for Horse owners".*

Before starting on tour make out a detailed list of camps, with dates, for the next month or so, and send copies to officers of other Departments in the District and to the Mamlatdars, Police Sub-Inspectors etc. in your charge, and also to the local newspapers for general information. It is particularly important to give plenty of notice of your detailed programme to the Mamlatdars, who have their own duties to perform and cannot with efficiency put these off at a moment's notice to accompany you on your tour. Incidentally once you have got some acquaintance of your charge, it will not be necessary, nor advisable, always to have the Mamlatdar with you.

In this connection note that it is desirable that requests from officers of other Departments for the presence of the Mamlatdar should come *through you*, so that if you consider a request unreasonable or the Mamlatdar is busy on other work, you can reply politely that it will be more convenient for another date to be fixed as the Mamlatdar will not be available on the date proposed.

Excepting in the case of flying camps referred to below, do not camp for less than 4 or 5 full days or so at one place. Less than this does not give sufficient time for the news to spread around that the Assistant

Length of
Camps.

*Two books of short stories by E. Cox, late Indian Police—"John Carruther Indian Policeman" and "the Adventures of John Carruthers"—give a not very exaggerated account of the ingenuity of the classes which you may have appearing before you as accused in Court.

Collector is in camp and for any persons with disputes or grievances to make up their minds that it will be worth their while to approach him. Hurried touring, however, is of course necessary when inspecting crops in a bad season, when a large area has to be seen in a very short time.

At Taluka Headquarters your camps will probably be of 10 days duration, if your examination of the Mamlatdar's office and his records is to be thorough; but it is not necessary for you to spend the whole of the 10 days there. You will find it useful to make a flying camp or two with light kit and no clerks in inaccessible places, where heavy tents and records cannot conveniently be taken. Therefore in addition to your large tents which you use for ordinary camps, have one or two small tents, 80 lbs. or 120 lbs. or so, for such camps and for shikar. In a forest country you can often camp quite comfortably in a chappar (hut made of grass or leafy branches) erected by the local villagers.

Transport. The normal method of moving camp in the past was by bullock carts, which were customarily liable for this service and, though the ancient system of impressment of carts for conveyances of touring officers' kit has been terminated (G. R., R. D., No. 8482/28, of 5th August 1935), where there are no made roads, carts hired for the trip are still the usual method of transport.

But the advent of the motor bus and lorry has greatly improved touring conditions and comfort. Most Taluka headquarters are connected by made roads, and on

such roads it is usually not only quicker and more convenient, but cheaper to engage motors to transport one's kit.

Where bullock carts are used, payment should be prompt and adequate, and in this connection, make sure from local enquiry what are the market rates of hire for carts in various parts of your charge and see that you pay the full rate. Some Mamlatdars are careless in reporting the market rate for notification in the Gazette, or inclined to think that Government officers ought to have a rate below the market rate.

In the villages there are often no shops where you and your staff can obtain your supplies, and by custom these are provided by the villagers and the village Bania on payment. In the past there was an idea that there should be a regular Government rate laid down for all manner of supplies to you and your camp, at well below the market prices, and you should learn the approximate local prices and see that you are not under-charged. You should insist that all your staff, peons, sepoy, etc., pay cash for everything supplied and let this fact be known. In small villages you will probably have to obtain some of your own supplies through the village Patel, who will produce a bill for these at the end of your camp. It is practically impossible for you to know whether the money you give the Patil will really find its way to the actual supplier, though probably more will do so if paid through the Patil than if you left the matter to your servants. The payment of the Patel's bill in public with a friendly discussion of any of the rates which

appear to you to be too low, provides some safeguard that he will not be able to get away with the money on the quiet.

In the bigger villages of course your servants can buy supplies direct in the bazar and little need be obtained through the Patil.

Now-a-days, on looking at the Patil's bill, it is quite possible that you will find that you have been charged excessive prices instead of too little, on the assumption that you will not check the bill. In such cases having regard to the relative official positions of yourself and of the Patil, it is impossible for you to suggest to the Patil that he better reduce the amount. You must suffer to be cheated as a result of not having time to pay everything direct yourself, and you will have to look pleasant and hand over to the Patil the amount demanded without question. *Thereafter*, of course you should make enquiries and if you find that the Patil has been deliberately overcharging you, call on him for explanation. But you must not get your money back! Probably public contempt for having been detected cheating the Assistant Collector and for being made to keep his ill-gotten gains, will be enough to prevent a Patil trying similar games in future.

Peons and village servants. It is customary to have attached to your camp one or two peons from the Mamlatdar's office who from their local knowledge will be used for making arrangements, e.g., for getting village servants, for pitching tents, and for obtaining supplies. Do not forget

when leaving a taluka that it is customary to tip these low-paid officials.

In addition tents are usually pitched and odd jobs done by the village servants, such as the Village Mahars, and a watch is kept over the camp at night by one or more somnolent Village Watchmen. Though these village servants are in some cases remunerated by grant of inam lands for their services, this remuneration is very small and you should tip them yourself. You will find crowds of them attending your departure and to give each one of the 15 or 20 Mahars who turned out to help to pitch your tents, adequate remuneration will be beyond your means and a lump tip to them in general is indicated. It is somewhat difficult to know what to give them, as you do not want to be mean, while lavishness may embarrass less well off officers. Perhaps the following scale may be found useful :—

For each day of a camp 8 annas to the Village Mahars and 4 annas to the Village Watchmen.

One officer was reputed always to scatter a handful of small change on leaving a camp, to be scrambled for by the village servants, but this seems ostentatious.

You will find that some one was employed to bring water to your camp. Whether he was a village servant of some kind or an ordinary labourer, he should be paid at the appropriate local rate for daily labour.

You may also find that the village Mahars or Jaglyas brought grass or other fodder for your horse etc. and that it has not been charged in the bill on the plea of being a customary service. This is not correct. Grass and fodder have a commercial value, as, even

though it may be plentiful, the labour of cutting or gathering it has to be considered. Grass and fodder brought by Village servants should be paid for at the market value.

Riding.

Except in one or two districts, e.g., Kanara, where a horse is liable to go sick, or parts of Ratnagiri District where the country is too broken to be rideable, an Assistant Collector, if he is going to carry out his work properly, *must keep and ride* a horse. A motor car cannot reach a great many villages and though of course it is possible to get to such villages on foot, this wastes much time which might be better employed, and the officer is tired out before his day's office work is even begun, if he has tramped 10 to 15 miles to and from a village in the morning. In this connection see also the need of a horse for crop inspection (p. 89).

As Government give an allowance of Rs. 55 per month to Assistant Collectors who keep a suitable mount, there is no reason why every Assistant Collector should not ride.

Motor Car.

A motor car is ~~not~~ a necessity. There are motor bus services practically everywhere, and probably, taking into account depreciation, etc. it is actually cheaper to hire a motor bus whenever you want to get anywhere by road rather than to keep your own car.

But convention and the present standard of living makes a car a desirable, though not a necessary, possession in addition to your horse, though a bachelor can get on quite well with a motor cycle and side car.

It is a matter of your pocket and your conscience whether you buy a new car or a second hand one. The main argument against the new car compared with a second hand one, is that consciously or otherwise, you will be disinclined to knock it about over bad roads, and so will confine your work to the villages on the main roads, nor will you willingly leave your new car to the peon, who drove your predecessor's ramshackle Ford, to drive, when you ought to be riding across country to visit villages off the roads.

Arrange the programme of villages which you will visit at each camp as soon as you get to the camps, bearing in mind the various cases which you have reserved for personal inspection, and any villages about which any thing of importance is in progress, or where the work of the village officers, Circle Inspectors or Mamlatdars may need particular check. If you let the village officers know the date of your visit, this gives them time to inform the villagers of your coming and to warn anyone whose presence may be needed. Village visiting.

Of course if you want to make a surprise visit to a village, you will not inform the Village officers beforehand, and if you want it to be actually a surprise visit, you had better announce overnight that you will visit a village in the opposite direction that morning. An official with an uneasy conscience, who does not want the Assistant Collector poking about on his own in any particular village, has pretty certainly arranged with your peons or servants for early information of your doings, and if you have arranged no work for the next morning and yet tell your syce to have the horse ready

at 7, he will at once infer that you are going somewhere on the quiet and will take steps to "anticipate" your inquiries.

Do not attempt to visit too many villages in one morning. If you are to make a complete examination of the village accounts in any one village, that will take most of your morning. As you will have a very large number of villages in your charge, it is well to vary your procedure somewhat, and some mornings to do a fairly thorough examination of one or two villages, another day, after doing an examination of one, to ride on for an hour's talk with the villagers of another. Sometimes ride round 3 or 4 villages in the morning and have a short discussion on local topics with the inhabitants of each village. In the cold weather it is not much use starting out very early to visit villages as the villagers will not be up by the time you get there.

On getting to a village you will sit down in the Chavdi or Chora, to examine the village accounts and talk to the inhabitants. Remember to treat the Village officers with respect so as to enhance their prestige among the villagers, and also so treat the Sarpanch and members of the Village Panchayat and any members of Local Boards who may be present. You will probably find that while the other villagers sit on the floor, the Sarpanch Members of the Panchayat like to sit on a bench or chairs, if any are available, as this asserts their position of local importance.

When you have finished your inspection of the village accounts and your talk with the villagers, go round the village, see the school, the water supply and

any other items of interest or of village needs. Appendix A from the Village Improvement Manual will give you an idea of some points to which you can give attention while going round the village. In particular impress on the villagers the need for cleanliness and for good water supply. Also see if there is any vacant Government land on the edge of, or just outside, the Gavtan which can be used for building new houses to relieve congestion among the Scheduled castes, or for provision of manure pits and latrines. You will find that the Mamlatdars and subordinates are sometimes unintelligent in this matter and inclined to consider Government's financial interests alone are of importance in disposing of Government land, oblivious of the villagers' convenience and public health.

Before leaving the village always enter up your visit in the Village Visit Book, briefly noting points on which you have issued orders so that the Circle Inspector and the Mamlatdar on their next visit may check that your orders have been complied with.

Land Revenue is collected in two instalments, the dates of these being fixed for each village according to the kind of crops grown therein. Obviously the Land Revenue should not be collected before the cultivator's crop is harvested, or he will not have sold his produce and got the money to pay, and on the other hand, it must not be collected so long after the crop is harvested, that in the meanwhile he will have spent the money on some other less laudable object. Find out the instalment dates for various parts of your Prant, and watch the collections carefully from the periodical reports

Collection
of Land
Revenue
and
arrears.

which the Mamlatdars will send you (paragraph 15, p. 262, Revenue Accounts Manual). Also always when visiting a village see how the collection of Land Revenue is progressing; the total amount collected up to date is seen from the last chalan V. F. X for money remitted to the Taluka, and the collections since the last remittance from V. F. IX.

“The district officer should ever be on his guard to put down contumacy on the side of the rayats, and ill-timed repression on the side of subordinate officials.”

If you find there are arrears, call up those villagers who have not paid, and inquire why they have not. Remember that there are many plausible persons who have many excuses for non-payment, and that it is not fair to the punctual payer that the deliberate “procrastitute” should be given time to pay which the other did not get. Under the Land Revenue Code you can inflict fine up to one-fourth of the amount due when it is not paid in time. In cases of contumacy or deliberate neglect to pay in time, do not hesitate to impose a fine. In years of poor crops of course latitude is necessary, even if the crops are not so bad as to require suspension of land revenue, but for this you will have to judge by experience. You will usually in normal years find that, when you ask a villager in his own village, he will be willing to pay up at once.

Jama-
bandi.

“Jamabāndi” means literally “fixing the demand”. In days when there was no Survey, and the demand was really fixed each year by the Collector, and distributed among his Kamavisdars by Mahals or Parganas,

by whom (in Gujerat) it was apportioned among the Desais who were responsible for Villages or Tarafs, the Jamabandi was a most important function which keenly interested every rayat. Moreover it took place before the collection, and not after. Probably the rayats and Mukhis or Bhagdars would have refused to pay anything until first a formal Jamabandi had taken place, at which they could have made themselves heard.

“But nowadays, the demand for fixed Land Revenue is settled by the Survey Department, and remissions or suspensions are based upon that fixed demand according to rules of general application; while the demand for fluctuating Land Revenue is fixed by individual orders of proper authorities from time to time. There is no Jamabandi, in the sense of a settlement of the demand, to be performed; but the process is partly an audit of the last year's accounts, partly an inspection to see that the accounts of the current year are up to date, and partly a general test of the work of the village officers.”

(P. 334, *Manual of Revenue Accounts*, Fifth Edition, 1931.)

The Revenue Accounts Manual gives instructions for the detailed audit of village accounts for Jamabandi, to which reference should be made, but in popular parlance Jamabandi still means the formal occasion on which the Collector or Assistant Collector meets the assembled village officers. You should fix various places in each taluka for Jamabandi so as to avoid calling village officers too far from their homes. When all the village officers have assembled and

settled down on the carpets provided, you take your seat at a table before them, and the village officers of each village are called up in turn. You formally sign the Tharavband of the village and hand it to the Revenue Patil. You will ask him, the Police Patil and the Talati, whether they have anything to say either about the village or other matters and take down a note of anything which you think needs enquiry or of any improvements which you think can be made. Do not forget to look at the village map, and if such is torn, take a note of it and have it replaced at Government expense. Pansupari is handed to each village officer, and then those of the next village are called.

At Jamabandi rewards are presented publicly for good work to village officers and village servants, usually in the shape of pagris or cloths and sometimes of weapons, and on occasion certificates of merit or Afrinamas are given to other persons who have done good work.

After all have come up, take the opportunity to get the opinion of the village officers on any matter of local or general interest that may be exercising public opinion, for instance a general discussion on Village Improvement work will probably produce a number of useful suggestions from Patils who know from experience where the various shoes pinch the villagers.

It is a good plan to make the Jamabandi of more interest by getting officers of other Departments to attend and to give short addresses on their departmental matters, e.g., the Deputy Director of Agriculture may give a lecture on some agricultural improvements, or in

irrigated tracts, the Executive Engineer or Assistant Engineer in charge of Irrigation can probably explain any new rules to the Patils and thus prevent misunderstanding in the villages, and at the same time he can answer questions concerning irrigators' difficulties and explain the Department's point of view. If you can manage to get the Village Uplift van or the Village Improvement Committee magic lantern or cinema, hold your Jamabandi towards the evening and give the village officers a propaganda show. Anything which increases the village officers' sense of their own importance and at the same time excites their interest in improvements is very valuable.

You will find instructions regarding village improvement in the Village Improvement Manual, its second Part the Village Panchayat's Manual, and various Government orders. Village Improvement. Therefore no detailed remarks are given here. It is useful to know what has been done in other provinces, for instance "Rusticus Loquitur" and "The Punjab Peasant in Prosperity and Debt" by M. L. Darling, and "Socrates in an Indian Village" by F. L. Brayne give much information. Get these and similar books and read them—very likely the Collector's Library will have them.

The main duty of the Assistant Collector regarding Village Improvement is, first, to infuse as much enthusiasm as possible for this work into subordinate officials and into all non-officials with whom he may come in contact, and, secondly, to see that all Departments of Government co-operate and do not relapse into working in water-tight compartments, each not

letting the other know what it is doing. Such external stimulus and co-ordination can only be provided by the Revenue Department which, from its duties of general administration, has to be in touch with all activities of the villager's life and with all Departments of Government that affect the villager. You will probably find that the work of Village Improvement in your Sub-Division will depend directly on the amount of interest you yourself take in it. It is not suggested that you should neglect your other duties, but the fact that the Assistant Collector is interested in the cleanliness of villages, improved poultry, experimental crops, better irrigation, vaccination of children, etc., etc., and all the other activities of various departments, will greatly encourage both the villagers and local officers of other Departments concerned, to do what they can for improvement of the villages.

If you should meet with obstruction or indifference in the Village Improvement work from any officer of any other Department, do not enter into acrimonious correspondence with him yourself, but refer the matter demi-officially to your Collector, who will probably get that officer's superior to give him the appropriate stimulus.

However keen you may be on the improvement of the villages and however much work you may be able to put in yourself for that end, it is important not to be discouraged by lack of visible progress. The Indian village has probably existed in its present form, or something like it, for 5,000 years or so, and it is idle to expect that any great improvement can be achieved in a short space of time. Therefore, do not

relax your efforts even though the results are not apparent. Probably if 5 or 10 years hence you come back to the same district, you will find that your work has by then had some effect and is still remembered.

CHAPTER VIII.

FIELD INSPECTION.

“This should be done from time to time with the relevant records and the village officials at hand, and should be chiefly directed to the Circle Inspector’s work, and supervision to see that it has been sufficient and efficient. Numerous other opportunities will occur to look over the lands of a village and, whether the inspection be formal or informal, it will enable the Assistant to judge of the energy of his subordinates and put him in the way of gaining invaluable knowledge. Such points as the diversion of farm yard manure to use as fuel owing to the scarcity of wood, the diverse varieties of crops and their meaning, their rotations, their diseases, insect pests, damage done by trespassing cattle, by wild animals and by thieves—all of them affecting the life of the cultivator but hid to the careless observer will come to light when looking over the fields in friendly talk with the owners.....”

Crop
Inspection.

Crop inspection should be done in the field wherever possible and not only in those fields near the village sites. It is a good plan occasionally to have the Village Officers meet you with V. F. VII & XII (Register of Crops and Tenancies) at the edge of the village lands and to inspect crops on your way from the village boundary to the Gavthan by a circuitous route through the fields. You will probably find several omissions or errors, for the traditional method of making up V. F. XII, crop record, is not for the Kulkarni or Talati to tramp about the fields in the hot sun, but for him to

sit comfortably in the Chavdi with the Patil, and ask him e.g., "what has Manaji grown in the Stony field this year?—from the books it was bajri last year". If the Patil does not know, the Village servant will be asked and if he does not provide an answer, Manaji will be sent for, and if he is not home, anyone with the land on that side of the village will be roped in, and the reply, correct or not, entered in V. F. XII. Areas and mixed crops are thus particularly liable to error. The wise Talati however personally examines a few survey numbers near the village where from experience he knows that the Circle Inspector or the Mamlatdar always does check the crops.

Riding a quiet horse and holding the village map, and with the Talati with V. F. XII and some of the villagers alongside, you can check crops, areas, and tenants (though not perhaps terms of leases) on your way without stopping. Riding a horse is essential as otherwise you cannot see over the crops to check the areas by eye. *

Boundary mark inspection cannot be done so quickly, but it is important. No one likes boundary mark repairs—except the contractor who provides the boundary stones—the villager because he has either to repair his boundary marks himself or pay for it to be done, and the Village Officers and Circle Inspectors because the work cannot be done in the village, but must be done in the field in the sun. Therefore excuses are always being made to postpone boundary mark repairs for another year and yet another year. This should be checked. It is easy to keep the Boundary Marks of a survey number in order if they are regularly attended to, but once many are lost, then remeasurement is

Boundary
mark
inspec-
tion.

needed, and the cost to Government and to the cultivator becomes very heavy. A Boundary Mark repaired in time may save nine.

If Boundary Marks are allowed to disappear, the basis on which the Land Record system is founded goes too—as no one will know which survey number is which, nor who occupies any survey number and the Village Forms will be useless. Of course the need for Boundary repair varies in different villages—it probably is greatest in irrigated tracts, where much levelling and bunding is always being done, and least in dry stony uplands where cairns remain indefinitely. But the Assistant Collector *must* see that the work is not neglected on any excuse. With an eye for a map and some practice, you will find that you can check the correct placing of boundary marks with surprising facility, while crop inspecting or doing other work in the field.

Anne-
wari.

Annewari is the estimate of what proportion a crop bears to a normal crop in that village. The assessment of Land Revenue is based on a normal crop yield, which is taken to be represented by 12 annas. The normal yield is not taken on a basis of 16 annas because, when a villager talks of a 16 anna crop, he has in mind the crop which he gets in *good* years, and forgets the intervening years during which the crops were less. It is obviously not possible to take the best crop as normal, and therefore the 12 annas is taken as representing a normal crop for annewari purposes.

When the yield of the crops in a village falls below half the normal, i.e., 6 annas but is more than $\frac{1}{2}$ or

4 annas, collection of half the current year's consolidated Land Revenue is suspended. When the yield is $\frac{1}{3}$ or less i.e., 4 annas or below, no land revenue is collected.

When there is suspended land revenue, if the crops are 11 annas or over, both the current and one year's suspended land revenue is collected, and if the crops are 8 annas but under eleven, the whole of the current and half one year suspended land revenue is collected.

[Land Revenue Rules, Ch. XVI (XXX *seq.*).]

In an area or tract where in any year the crops are bad, or there are suspended arrears of land revenue, it is therefore important to get a correct annewari for the protection both of Government revenue against loss and of the cultivator against exaction of more land revenue than he should pay.

The estimate for annewari is founded primarily on the yield in lbs. per acre of various crops in various soils, based originally on tests made at the time of Settlement to ascertain yields and continued by crop experiments conducted by Revenue and Agricultural authorities thereafter.

Of course if a field has had series of crop experiments taken in it for a number of years, it is easy in a year of bad rains to take another crop experiment and see whether the yield is half or one-fourth of the normal, but it is obviously impossible to keep records of every field. It is also impossible in any large area where crops are bad, to take extensive actual tests of the yield per acre, because the period between a crop coming to maturity and its harvest is so short that, if more than a few villages are affected, the annewari must be judged by eye.

The annewari is first estimated by the Circle Inspector with the help of a Committee which includes the Village Officers and on consideration of this, the Mamlatdar decides the annewari. This must be checked and can, if necessary, be revised by the Prant Officer. The calculations by which various areas and different annewaris for different crops are combined into the general annewari of the village are given in Land Revenue Rules, Ch. XVI (XXX *seq.*).

The annewari can only be properly checked by personal inspection, and it is important for an Assistant Collector to be able to make an estimate of the relation of the crop growing in a field to the crop which that field would produce in a normal year. Scientific accuracy in an eye-estimate is clearly impossible, but a good deal can be done by practice. It is a good plan to carry a rough note book and as you inspect the crops to enter in it the anna valuation of each survey number you inspect. If 20 or 30 numbers are inspected, the average anna valuation can be worked out from the notes and this will give you a more accurate result by which to check your general impression. Whenever time and circumstances permit, make a crop experiment on a crop ready for harvesting. Have one guntha from a crop reaped and the ears roughly threshed, weigh the resulting grain and check the result against any figures of normal outturn that can be obtained from Settlement Reports or from the Agricultural Department. Similar experiments can of course be made with other than grain crops, e.g., by picking a guntha of cotton. Before reaping the crop for an experiment, make a mental estimate of the number of pounds it

is likely it will yield, ask the Mamlatdar, the Circle Inspector, the owner and the Villagers for their estimates, and later compare all these with the actual result.

Much can be learnt from questioning the cultivators. Obviously they will not estimate the yield of a crop in lbs. per acre, but many will be able to give with surprising accuracy the number of local maunds which a crop standing in a particular survey number will yield this year, and how many that survey number will yield in a normal year. But remember that the villager's estimate of normal is a 16 anna crop, and not the 12 anna crop on which annewari is based, and also that the maund in some parts varies almost from village to village, and so it is necessary to find out in each case how many pounds there are in their maund. If there is any doubt as to the amount of Revenue to be collected, it is well to ask the villagers to take you to the part of the village where the crops are worst. This will prevent the common argument that the inspecting officer only saw the best fields.

Again the assessment per acre of a survey number will give an indication of the quality of the soil, and so of the normal crop that may be expected therein. What may look at first sight a miserable crop may in reality be the normal crop of pōor soil. Therefore when checking the annewari, whenever possible look up the assessment of the survey number, and learn to estimate the probable assessment per acre of the various kinds of soil you see. It is then possible, when riding quickly through the fields of a village to make an estimate of the annewari as you go.

This practice is useful when it is necessary to cover a large number of villages at a short space of time, in order to check an annewari which, e.g., by being 6 annas or 7 annas will involve a decision whether Land Revenue is to be collected or not.

It is difficult to frame an adequate judgment of the crops by motoring through a village, partly because one travels too fast, and partly because roads passable for cars often pass mainly through the good level land of the village and avoid the stony or uneven uplands.

When the season is such that the crops in bad lands are worst and need to be seen, it is often useful to ride along the boundary between two villages, for normally the farther a field is from the village site the worse its soil is. On horseback one can traverse the fields themselves, not merely the roads, and diverge at will to see areas which look to be above or below the average.

It must be remembered that in estimating the annewari the normal 12 anna crop is based on that in land averagely well cultivated, and it is not fair to judge the annewari of a village by the crops of the best and richest cultivators nor by those of the poorest and the laziest.

If one Taluka or more of the Assistant Collector's charge show an annewari which needs checking, it is probably not possible, even with two or three horses, to visit nearly all the villages in the short space of time between the maturity and the harvesting of the crops. It is therefore desirable to know any idiosyncrasies of the Mamlatdars, Mahalkaris and

Circle Inspectors in estimating annewaris. If on test of four or five villages, you find that your estimate of the annewari is consistently higher than the Mamlatdar's, it is probably safe to put up his estimate for those villages which you have no time to visit. Per contra, some officials seem to have an idea that Government prefers a high annewari, or perhaps they wish to save the trouble of calculating the suspensions that may be due if the annewari is 6 annas or below and this biases their judgment. Therefore if you find that your estimate of the annewari is constantly below that of the Mamlatdar or Circle Inspector, you are fairly safe in reducing his estimate in other villages.

In these days when improvement of the land revenue system is a matter of discussion, it is particularly necessary that the annewari should be carefully checked, and therefore the Assistant Collector should take every opportunity of practising his estimates of crops and of testing these estimates both against the actual yield and against the opinion of experienced subordinates, agricultural officers, intelligent cultivators, etc.

CHAPTER IX.

VILLAGE ACCOUNTS.

The examination of village accounts merely as a matter of routine may seem a deadly dull and monotonous affair, as boring to oneself as to the villager, and as such, it is apt to be scamped by subordinates and avoided by their superiors.

But if you examine Village Accounts intelligently, not only do you test the correctness of the Revenue Records and the efficiency of your officials, but you acquire knowledge of almost every subject which concerns village life. The discovery of matters of village importance and their discussion, arising naturally from facts recorded in the Village Accounts, will interest both yourself and the villager, and the check of the accounts and their side issues will continually suggest to the inspecting officer many fresh topics of importance, and if he has some definite inquiry in mind, it will often provide that indirect means of approach which facilitates getting at the truth.

It is useful to begin by having all the various Village Accounts, forms and registers brought out by the Village Officers, and to check that all are there. (A list of the village forms is given on pages 8 to 10 of the Manual of Revenue Accounts and may well be copied into your pocket book). This will allow time for the villagers to assemble and to have a look at the Inspecting Officer.

The more unsophisticated villager still considers the examination of ryot's receipts to be part of an Assistant

Collector's duty, and he prepares for it by getting some literate person to read out the receipt to him, so that, when the Assistant Collector asks him how much he paid, he can reply with rapidity and accuracy. It is improbable, that, by examining ryot's receipts, you will find frequent cases where a cultivator has actually handed over to the Talati an appreciable amount more than is due from him, and has received a receipt only for the latter. But the examination forms a useful starting point for the inspection of the accounts.

To illustrate how the checking of Village Accounts provides opportunity for eliciting information on various matters, take the Manual of Revenue Accounts, Fifth Edition, and follow out these examples taken from it.*

(The process is not so laborious or so dull as it here appears, when done in the village with the villager's help.)

(i) Assume that a villager, one Manaji Anandrao Shinde, produces for your inspection his receipt for revenue paid, Rs. 41-12-5.

See the counterfoil No. 9 in V. F. IX (p. 136) and ask him the routine question of how much he gave. He may probably reply "Rs. 40-13-0" as he knows that this is the amount of his land revenue. So he will be asked "what about the Re. 1 for record fee?" which is shown in the counterfoil and he will then remember having paid it. Alternatively, he may rattle off "Rs. 41-12-5" from which you will know either that he can read, or that he has just had the receipt read out to him by some one else.

* Page references in this chapter are to the Manual of Revenue Accounts, Fifth Edition.

Asking him whether he can read or not, may lead to a discussion on, e.g. :

the advantage of education to the cultivator, on which diverse opinions may be expressed by those present,

the desirability or otherwise of educating daughters, on which again diverse opinion is likely, some holding that education is useless to women, others taking the view that educated boys will demand educated wives,

the progress of the village school or the need for one,

the vexed question of agricultural bias classes as education for the cultivators' sons,

higher education, and the desirability or otherwise of sending village boys to secondary schools,

whether an educated youth will be willing to work in the fields, or will prefer a clerk's chair, and whether he will be physically capable of agricultural labour not having been inured to sun and weather in his childhood,

the need for the cultivator being educated at least to the extent of keeping accounts and reading the documents he signs. ~ ~

This last leads naturally to a discussion of money-lenders, rates of interest, loss in farming, etc., etc.

Such questions interest the villagers and talk on them may easily go on for an hour or more, and, though you will thus learn much of the village outlook, it had perhaps better be cut short if further inspection is to be made.

But, while you are pursuing these conversational bye-ways, check from the papers that the Talati has paid in the land revenue collected from Manaji and others. This will be evident from the note of remittances, Rs. 103-12-11, written on the counterfoil of receipt 11 in V. F. IX (p. 137), and from the chalan V. F. X (p. 142) returned from the Taluka to show that the amount has been received.

(ii) On looking at the ryot's receipt No. 9 (p. 136) you see that Manaji Anandrao's Khata (i.e., account) is No. 8.

Turn to V. F. VIII-A, the Register of Holdings, and look up Khata No. 8 (p. 116), which shows you his land, its assessment, etc., and V. F. VIII-B, the Annual Ledger of Dues and Recoveries, Khata No. 8 (p. 126) which gives you the amounts which Manaji has to pay for land revenue and other Government dues, and what he has paid.

(iii) V. F. VIII-B, Khata No. 8 states as follows :—

To be paid :—

Current fixed Land Revenue—

				Rs.	a.	p.
i.	Khalsa	..	..	13	0	3
ii.	Inam	..	..	2	7	0
iii.	Non-agricultural	..	..	32	5	2

Rs. a. p.

Miscellaneous fluctuating—

1.	Occupancy price	..	53	2	0
2.	Cultivation in village site	..	5	5	0
3.	Record of Rights fee	..	1	0	0

59 7 0

107 3 5

Paid :—

Receipt No.	Date.		Rs.	2	p.
3	.. 25th August..	Occupancy price ..	13	2	0
		Village site cultivation.	5	5	0
at Taluka	.. 24th September.	Occupancy price ..	40	0	0
9	.. 6th January..	Fixed Land Revenue.	40	12	5
		Record of Rights fee.	1	0	0
52	.. 13th March ..	Fixed Land Revenue.	7	0	0
			<hr/>		
			107	3	5

Having seen that Manaji has paid up all his Government dues shown in V. F. VIII-B, Khata No. 8, matters may now be pursued further.

N.B.—Since the Revenue Accounts Manual was first published V. F. VII, Index of Lands and V. F. XII, Crops and Tenancies, have been combined into the one V. F. VII-XII, in which all the details formerly given in the two forms are now found but rearranged with different columns and spacing. Examples of this V. F. VII-XII are given at pages 109 and 110 of the Manual. These examples, however, do not include Manaji's Survey Nos. 3, 6 or 7, which are under discussion. Therefore for the purpose of showing the method of examination it is assumed that V. F. VII and V. F. XII have not yet been rewritten into the new combined form, and the questions suggested by these Survey Numbers are worked out on V. F. VII, Index of Lands, as given on pages 70-72, while for crops and tenancies it is assumed that Survey No. 1-A, the first example on page 109, is really Survey No. 6 (3). Survey No. 1-B however in Manaji's Khata is among the examples given at page 109 in the combined V. F. VII-XII and is referred to that form,

(iv) Turn to V. F. VIII-A, Register of Holdings, Khata No. 8 (p. 116) which gives the land in Manaji's occupation. The first field mentioned is Survey No. 6/3.

Turn to V. F. I, The Register of Lands (pp. 16-17), which is a form prepared at Settlement time containing much information about all the land in the village, but regarding Survey No. 6 it gives nothing of any particular interest except that there is an entry of "Gazni", i.e., land liable to overflow by Salt water and growing only salt rice, and enquiry into the meaning of which may produce discussion regarding land and crops, embankments and tidal sluices, responsibility for their upkeep, etc.

(v) Then look up Survey No. 6 in V. F. VII, the Index of Lands (p. 71), and you will find that Survey No. 6 has the unpromising name of "The Stony Field" which presumably indicates that it is not particularly good land. This is borne out by the assessment being only Rs. 7 for 11 acres, i.e., 10 annas an acre, against the maximum rate of Rs. 3 per acre for dry land shown in V. F. I, Register of Lands (p. 16 top).

A side issue here may be to enquire whether loose surface stones are considered to conserve soil moisture for dry crop cultivation, leading to a discussion on "Mulch", intercultivation of crops, bunding, etc.

(vi) V. F. VII, The Index of Lands (p. 71) shows Manaji Anandrao as occupant of Survey No. 6, hissa 3, and as joint occupant of hissa 4.

This latter entry has a reference to entry No. 30 in V. F. VI, The Diary of Rights and Mutations (p. 58). This states that this plot is kept by the three holders in

common for grazing their cattle. As the plot is only just over half an acre, it seems doubtful whether it can give much grazing, and information may be elicited as to—

where the village cattle usually graze,

whether the village grazing grounds are sufficient (the villagers of course will never admit they are !),

whether the cattle feed on the bunds of fields, and there is in consequence trouble with cattle getting into crops and damaging them,

is it therefore necessary to extend to the village section 26 of the Cattle Trespass Act or section 61-A of the District Police Act which provides penalties for persons allowing their cattle to stray ?

is there any forest grazing or can any be obtained ?

do the villagers grow fodder crops to feed their cattle?

do the villagers breed their own cattle ?

where do they get their stud bulls ? or do they buy their plough cattle from cattle breeders, and what are the prices, etc.

and a general discussion on animal husbandry.

(vii) To deal next with Manaji Anandrao's Survey No. 6/3, turn to V. F. VI, 'The Diary of Rights and Mutations, item 28 (p. 58) which shows that Manaji Anandrao got this land by separation from his cousin Balwantrao Yadavrao under a partition decree.

Presumably the family partition took place some time ago, and it is likely to provide little of immediate interest, though of course general questions arise, such as the sub-division of land by inheritance, excessive

fragmentation of holdings and its evil consequences, the possibility of voluntary amalgamation of holdings, the impartible tenure, its popularity or otherwise.

(viii) Looking again at V. F. VII, the Index of Lands (p. 71), against this Survey No. 6/3 we find a reference to item 65 in the Diary of Rights and Mutations, V. F. VI (p. 69) "Bhoginath Ramlal produces sale deed (R) of 20th October 1911 for Rs. 700 passed by Manaji Anandrao. But he has not yet obtained possession owing to a dispute. So no change to be made."

This suggests various points which may be pursued, for instance—

For what purpose did Manaji want the Rs. 700 for which he sold the land? to pay off other debts? expenses of a marriage? to buy other land? etc. The answer to this question will point to some factor affecting village life and the well-being of the villagers, e.g.

If Manaji borrowed for a marriage, whose marriage was it and what did it cost?

What is a usual figure for a dowry or a bride price, whichever may be the local custom?

How much has to be spent in feasting friends and relations?

Isn't much of this waste of money? Why don't the villagers change the custom?

At what age are boys and girls married?

What are the advantages? (for there are some) and disadvantages of child marriages?

What do the villagers think of the "Sarda Act" prohibiting the marriage of boys under 18 and girls under 14? Is it evaded? Though a direct answer will not be given to this question, the side glances of parents will give a reply!

When Manaji sold or borrowed, did he get all the money in cash? or if not, how much did he get in cash?

Is it customary in this district for a debtor to sign documents for more than the cash received? If so, by how much more?

Was the sale a bogus sale to defeat the Deccan Agriculturists' Relief Act which makes recovery of debts from an Agriculturist difficult? Was the sale thus in effect merely a mortgage without possession?

If Bhoginath the money-lender is present, what does he think of the Civil Court with its long and tedious procedure as a means of recovering debts?

If he is expansive, for how much more than the cash given does he take a bond or sale deed, and what proportion of his outstandings does he usually expect to recover and how much are his bad debts?

How has he got on with recovering his debts during the time of financial depression? Are many money-lenders now in a bad way financially?

What rate of interest does he charge to various classes of debtors?

All these are points which have an important bearing on the economic condition of the cultivator, and though

you may be told a lot of lies, you will gradually gather a substratum of truth.

(ix) Still pursuing Survey No. 6/3, turn to the combined village form VII and XII "The Index of Lands" and "Crops and Tenancies" (following p. 108). Survey No. 6/3 is not among the examples given in the Manual, but for the purpose of illustration we may assume that the first example on the form (following p. 108) is Survey No. 6/3.

(a) To deal first with tenancies in V. F. VII-A "Tenancy Register", Rama Hari is shown as tenant from 1927 to 1930. If Rama Hari is present, find out why he surrendered the tenancy which he had for three years, e.g.

Is Manaji Anandrao a grasping landlord who would give no remission during a bad year?

Has Rama found better land to rent, or has he bought other land of his own? If so, where and for how much? Where is his new tenancy or occupancy entered in V. F. VI and VII?

Why in 1927-28 did he sublet part of the land to Wasto Daya? How much did he get as his half share of Wasto's crops?

What did he provide in return, e.g., did he give Wasto manure or seed grain?

Then coming to 1930-31 we find that, on Rama giving up the land, Manaji is cultivating part himself

and has let part to Wasto Daya. Why is he not cultivating all of it himself ?

(b) Coming to V. F. XII "The Crop Register", of course the proper way to test the record of crops is to see them in the field, but a certain degree of check can be made by enquiry in the village. Apart from checking the correctness of the crops recorded, a discussion of the crops which Manaji and Wasto are now growing will always provide information, for instance—

What is the bajri mixture which Manaji has sown ? Why did he not sow plain bajri ?

Which kind of bajri grown locally gives the best yield ? Which best resists disease ?

How many maunds of bajri will he get from these 4 acres 20 gunthas this year ? and how many will he get in a good year ?

What is the market rate for bajri ?

How many seers go to the local maund ?

Will he have any surplus for sale after setting apart what he will need for seed grain and for food ?

If he has a surplus, where will he sell it, and what rate is he likely to get ?

Where does he get his seed grain ? Does he select it by the use of a sieve ?

What precaution does he take against plant disease e.g., sulphur dusting ?

How many plough bullocks has he ? Does he use an iron plough ? Turn to V. F. XV to check that his bullocks and plough are entered therein.

Then turn to the 4 acres 30 guntlas sown by Wasto with cotton.

As regards yield, out-turn, etc., similar questions will apply, but as cotton is a money crop, the commercial aspect can be taken further.

Where does Wasto sell his cotton ? To an itinerant Dalal who comes round to the villages ? To the local Bania ? To a bigger merchant at a taluka town ? or does he take it to a Central Cotton Market himself ?

What price did he get for the crop ?

What commission has he to pay a Dalal ?

Was there trouble, after the bargain had been struck, about short weight or bad quality ?

Did he get cash, or was the amount credited to his account ?

Have the scales on which his cotton was weighed been tested by the Weights and Measures Inspector ? (Wasto will not know, but somebody may, and any how this publicity will encourage the use of correct weights).

Does Wasto keep an eye open for the Bombay cotton prices ?—or perhaps rather an ear open, as wireless is developing in the villages and gives Bombay prices. If he does not, has anybody in the village a radio ? What do they think of the programmes on it ?

Did Wasto grow cotton in any other fields? If so, how did the out-turn of Survey No. 6/3 compare with that of the other fields. His reply may be collated by comparing the assessment per acre of Survey No. 6/3 with that of the other survey number.

(x) Then turn to the next survey number in Manaji's Khata No. 8 (p. 116). This is Survey No. 7, area 10 acres 20 gunthas assessed at Rs. 5-8-0, obviously poor land. The entry in V. F. VI is No: 32 (p. 58).

"Manaji Anandrao Shinde became occupant on restricted tenure under Prant's order, dated 3rd July 1898". On this you can ask Manaji and the villagers their opinion of the advantages or otherwise of restricted or "inalienable" tenure.

Whether the fact that Manaji cannot mortgage his land, seriously hampers his borrowing the money necessary for current agricultural operations?

Whether he appreciates the fact that the land will always remain in his family, despite the machinations of the money-lender?

As the land was given to Manaji so long ago, it is hardly worth trying while to elucidate why it was given to him on restricted tenure and not on ordinary tenure.

Look at V. F. 1 "Register of Lands" see if that gives anything of interest regarding Survey No. 7 (p. 16). It does not.

Then look at V. F. VII "Index of lands" and see that no other entry has been made in column 7 which might indicate that Manaji has tried to alienate his land by sale or mortgage. To confirm this see the Register of Disputed Cases (p. 80) for any dispute between Manaji and a possible vendee (in this connection see paragraph 47, p. 81.)

To make still further sure look up V. F. VII and XII (the examples given after p. 108 do not contain this survey number) and see that no one is entered as tenant to this inalienable land.

Then may follow the further discussions on crops, out-turn and allied agricultural matters indicated in paragraph (ix) (b) above.

V. F. VII (p. 71) gives the name of Survey No. 7 as "The wild boar field." This may lead to a talk on the damage which wild pigs do to crops, pig proof fencing, co-operative fencing societies, the possibility of Shikar, pigsticking or shooting in the village, grant of gun licenses, trouble from professional hunters, wandering tribes of Phase Pardis, etc., etc.

(xi) The next survey number in Manaji's khata No. 8 in V. F. VIII-A "Register of Holdings" (p. 116) is Survey No. 3 Inam. Turn to entry 59 in V. F. VI, "Diary of Rights and Mutations" (p. 68).

"25th April 1910—By order of Collector, dated 1st April 1910, Radhabai is to pay rent of Rs. 20 annually to the Watandar Manaji; but to remain in

possession till her mortgage debt is paid and she pays the revenue."

This seems a trifle obscure. So refer to Survey No. 3 as shown in V. F. VII "Index of Lands" (p. 70) from which we find that Radhabai was formerly entered as holder in the Diary of Rights and Mutations V. F. VI, entry 15 (p. 57), because Anandrao, father of Manaji (the present Watandar) and Yadavrao, his cousin, mortgaged the survey number to Radhabai *kom* Amritrao with possession for Rs. 200 in 1885. As this is Watan land, investigation regarding the validity of Radhabai's occupation was going on (see remark in column 4 on p. 57), and the result of this investigation is given at entry 59, on p. 68, recording the Collector's order that Radhabai is to pay rent of Rs. 20 annually to the Watandar Manaji, but to retain possession till her mortgage debt is paid, and she pays the revenue.

As the Collector has ordered that Radhabai should pay the revenue, see that she has done so by referring to Manaji's khata No. 8 in V. F. VIII-B "Annual Ledger of Dues and Recoveries" (p. 126). The total fixed land revenue to be paid is Rs. 47-12-5 of which Rs. 40-12-5 was paid on the 6th January, for which receipt No. 9 was given to Manaji, and Rs. 7 was paid on 13th March when receipt No. 52 was given. This receipt is not in the examples given at p. 134 seq. and we might assume that this receipt No. 52 was not given to Manaji but to Radhabai, as the amount paid is Rs. 7, which according to V. F. I is the assessment on Survey No. 3; but this would be wrong as reference to the khata No. 8 in V. F. VIII-A "Register of

Holdings " (p. 116) shows that, as Survey No. 3 is Inam, it only pays "judi" i.e., less than full land revenue and that the amount to be paid is only Rs. 2-7-0. So obviously receipt No. 52 was not given to Radhabai. It is therefore necessary to find out why Radhabai has not paid the land revenue in accordance with the Collector's order.

Is Radhabai dead? Look up V. F. XIV—Birth and Death Register (p. 173).

Has Manaji paid off the mortgage and the fact not been reported to the village officers so that it is not entered in V. F. VI and VII?

Did Radhabai pay the rent of Rs. 20 to Manaji and also give him the land revenue to pay for her?

These enquiries are necessary to verify the correctness of the Village Forms and to see that the Village Officers are keeping their work up-to-date.

(xii) Having settled the question why Radhabai is not paying the land revenue as ordered, turn up this Survey No. 3 in V. F. I (p. 16). This shows that 1 acre of it is rice land, assessed at the rate of Rs. 3 per acre in which is included an amount of Re. 1 as Himayat which means that it gets advantage of some water supply. Next go on to V. F. VII and XII "Crop and Tenancy Register" (this survey number is not given in the examples given at p. 109) and see if the survey number is actually growing rice, and if so make enquiry as to the yield, etc. Sometimes conditions may have changed and at the next settlement the heavy assessment ought to be abolished, as rice can no longer be grown here.

(xiii) Survey No. 3 is Inam land. So, look it up in V. F. III—Register of Alienated Lands (p. 32) where it is shown under class VI “Village servants”, “Revenue and Police”, “Hereditary (Ramoshi)”. This survey number is the only land assigned for the service of the Ramoshis, and, as Radhabai is in possession, the Watandar, instead of getting the produce of the land to provide for an officiating watchman, gets only the Rs. 20 per annum which Radhabai pays as rent.

Who is this officiator? For how long does he serve? Does he actually do his work? Does he get anything besides the rent from Radhabai?

Does he get Baluta (contributions in kind) from the villagers?

What would be the full produce of the survey number? etc.

It is little use asking whether the remuneration is sufficient because the reply invariably will be that it is not!

In an actual village, the entry of Manaji Anandrao Shinde as being the Watandar of a Ramoshi watan would at once excite suspicion. Manaji Anandrao Shinde is by no means a normal name for a village servant of a backward class, who is more probably called Balya Rama or the like and to have no surname entered. Nor is it likely that a Ramoshi, a mere village watchman, would have been able to pay Rs. 110 to Government for a house site in Gavtan as V. F. II. The Register of Leases, entry No. 3 (p. 27) shows Manaji did, or that he would have paid Rs. 200 to Punjaji Sakharam for a non-agricultural plot out of Survey.

No. 1-B as V. F. VI, Diary of Rights and Mutations, entry No. 34 (p. 58) indicates. The circumstances would need inquiry to make sure that there is not a ramp somewhere.

(xiv) We now come to the non-agricultural land revenue paid by Manaji. See V. F. VIII-A, Register of Holdings Khata No. 8 (p. 116).

The first item is Survey No. 1-B, which refers us to entry No. 34 in V. F. VI (p. 58) which is the sale by Punjaji Sakhamam to Manaji Anandrao of Survey No. 1-B, for Rs. 200. Look up this survey number in V. F. VII-Index of Lands—(p. 70). The name of this survey number of half an acre is “Thé Girni”. We may ask why is it called “the Mill”. Is there a Cotton ginning factory here? Used there to be once?

This will lead to discussion of other commercial developments in the village, e.g.

Is there an oil mill or a flour mill here now, and if so, how is it worked? If there is, check the reply by reference to V. F. XV “Census of Cattle and Resources”, Col. 26 “Oil presses” or Col. 27 “Oil and Steam engines” p. 181.

What other industries has the village got? How many houses of oilmen, or potters, or leather workers, or coppersmiths etc.? Do these trades still pay? Where are the products sold? Has the village a reputation for any particular article?

If, as is probable in any large village, there is a flour mill driven by an oil engine, inquire whether every one in the village gets their house hold corn ground there, and at what cost? Is this newfangled

mill of benefit to the women of the village, who are saved the laborious task of grinding corn for an hour or two every morning? The older villagers will probably shake their heads and say that the exercise kept the women healthy, and they will deprecate the passing of the hand quern.

Though no mill is shown in V. F. XV "Census of Cattle and Resources" (p. 181) yet this Survey No. 1-B "The Mill" field is used for non-agricultural purposes, so reference is needed to V. F. II—Register of Leases, Section (ii) item (1) (p. 27) and we find that the Collector sanctioned its use for Bungalow and compound when Manaji bought the survey number on 1st August 1900. We may ask Manaji who now lives in the Bungalow, etc.

(zv) The next item in Khata No. 8 (p. 116) is "Village site plot 3" on which there is a non-agricultural assessment of Rs. 10-6-8. There is a reference to V. F. VI, Diary of Rights and Mutations, entry No. 37 (p. 58) which states that the plot was leased to Manaji by Collector's order on 1st August 1901, and refers us to V. F. II, Register of Leases, Section (i) item 3 (p. 27), which gives details of area etc. and that the site is "for a house".

It may be interesting to enquire how Manaji has become so prosperous as on 1st August 1900 to pay Rs. 200 for Survey No. 1-B for building bungalows and compound, and exactly a year after to take up part of the village site for a house, paying an occupancy price of Rs. 110.

To what is due this development of building in the village? Is local trade expanding? and is Manaji

usefully investing surplus income or his life-time's savings? Is there more building going on?

Is the village big enough now to have a village panchayat to provide sanitation and other amenities?

(xvi) We have now finished with all the revenue for which Manaji Anandrao was given receipt No. 9 in V. F. IX, The Day Book (p. 136). His Khata No. 8 (p. 126) shows, however, that on 25th August he paid Rs. 13-2-0 as occupancy price and Rs. 5-5-0 for cultivation in the village site, for which he received receipt No. 3.

Reference to V. F. IV, Register of Miscellaneous Land Revenue (p. 46) will show that he had to pay Rs. 5 for authorised cultivation in unassessed land, and Rs. 50 as occupancy price for some agricultural land. The price of the land was Rs. 50 which with local fund cess comes to Rs. 53-2-0.* Of this he paid Rs. 13-2-0 on 25th August, presumably as one-quarter of the price due immediately after an auction held in the village, and the rest Rs. 40 on 24th September at the Mamlatdar's office at the Taluka, on confirmation of the sale.

There is nothing in his Khata V. F. VIII-A Register of Holdings, No. 8 (p. 116) to show for what land he paid this occupancy price; nor is there anything in V. F. VI, Diary of Rights and Mutations, (p. 58) about it. The assumption in practice therefore would be that the village officers have been slack in entering up

* Since the Revenue Accounts Manual was printed Government have decided under G.R., G.D., No. 7395 dated 3rd March 1937, that no Local Fund is to be charged on the sale proceeds of occupancy rights.

the transaction in V. F. VI, VII, and VIII, but make sure of this by seeing the Miscellaneous Revenue cases (see for similar cases p. 38 to 41) for the sale of the land to Manaji which should be with the Talati, and, if not there, trace it in his Correspondence Register, V. F. XVII (p. 185) and you may find that the papers are at the Taluka because there has been some discrepancy, and that therefore the Talati has not yet been able to enter the land in the records under Manaji's name.

This transaction would give further cause for surprise as to why Manaji is so prosperous as to buy still more land and elucidation would be interesting.

(xvii) To revert to the Rs. 5 which Manaji paid for village site cultivation, see V. F. IV—Register of Miscellaneous Land Revenue, Column 4 (p. 56) and check this entry by the miscellaneous revenue case (cf. pp. 38-40).

What crop Manaji has been growing there? Is there much unoccupied space in the village site? Cannot it be better used for e.g. manure pits, to keep manure heaps off the streets? or for housing the Depressed Classes? or for school playground? for latrines? etc. etc.

(xviii) Ex hypothesi—Manaji is fortunately still alive—but if Radhabai or Bhoginath, whose transactions with Manaji have been remarked above, have not turned up, ask whether they are in the village and whether they are alive or dead. Check the reply by examining the Birth and Death Register, V. F. XIV (p. 173). According to this they are not dead. If either should be dead, then of course the routine check of mutations consequent on death, in V. F. VI Diary

of Rights and Mutations, VII Index of Lands, VII-A Tenancy Register, and XII-Crop Register would be taken up.

Apart from the routine checking of the Birth and Death Register V. F. XIV to see that it is kept up to date, a certain amount of information can be acquired by questions.

Taking the Birth and Death Register shown on p. 173, it is useful to point out to Janu Bapu, that his son born on the 16th January has not yet had his name entered, and therefore, when he is grown up, the boy may find it difficult to obtain Government employment. There are now so many candidates for each post that strict proof of age is required, and quite possibly when he is of age to become a clerk or a constable, it will be *compulsory* for candidates to supply proof of age by sending a certified extract from the village register of Births and Deaths, and unless the boy's name is entered in the village register soon, the village register will go to record without his name, and he will thus have no chance of Government employment.

In the deaths column, was Rama son of Appa Bapu Mahar, who died of small pox, not vaccinated? If not, why not? Every villager knows the need and desirability of vaccination, and the village Mahar, who has to help the authorities see that all children are vaccinated, ought not to have an unvaccinated child. See that V. F. XIV-A Vaccination Register (p. 176) is filled up to date.

A Mahomedan, Mohidin, and his wife, Imambibi kom Mohiddin, died of cholera on the 6th and 7th of

February. Were there no other deaths? Where did the victims come from? Had they been to some fair or festival and got the disease there?

What steps did the village officers take to prevent an epidemic? Where does the village get its water supply? Were the wells doped with permanganate of potash?

Has V. F. XIV-B Cholera Report (p. 176) been filled up and promptly? Were these cases reported to the Mamlatdar by V. F. XIV-C Daily Cholera Report (p. 177)?

If the Village Officers took prompt steps to deal with the danger of an epidemic, they may be publicly congratulated. As no other cases seem to have occurred, they probably did.

A somewhat tragic subject for discussion may come out of the deaths recorded on the 21st January and 8th of February. Apparently a Brahmin youth committed suicide, and two weeks later his father was murdered by being drowned in a well. Were the 2 cases connected? In view of the father's murder, was the son's case really suicide? Have the police made inquiries? What was the trouble about? Has the murderer been discovered etc.?

If in a village there are numerous deaths of children, this probably indicates the need for cleaning up the village to remove unsanitary conditions that breed flies—though the villagers will perhaps urge that it is an evil spirit, and not local dirt, that destroys their children. The District Village Improvement Committee

and the District Local Board may be useful to help to bring suasion and pressure to bear on the villagers to clean the place up.

The above matters, which all arose out of the examination of the one Ryot's receipt produced by Manaji, have lead to the examination for useful purposes of V. F. I, II, III, IV, VI, VII, VIII-A, VIII-B, IX, XII, XIV-A, XIV-B, XIV-C, XV, XVII, and emphasize that the Village forms are not each a separate entity, but that they are all parts of a combined and interlacing whole, affecting, not only Government's revenue and administration, but also every side of the villager's existence.

It is not of course suggested that every ryot's receipt should be pursued to the bitter end, as this receipt was, but the examples indicate that, besides checking the work of your village accountants, Circle Inspectors, and Mamlatdars, you can by examining village accounts obtain much valuable information for your own use, and can give the villager an opportunity to bring to notice and discuss matters of importance to him which at first sight are not in the least connected with Consolidated Land Revenue and Local Fund.

CHAPTER X.

CERTAIN REVENUE MATTERS.

**Land ten-
ures.** Regarding agricultural land tenures you should consult the Bombay Survey and Settlement Manual, Vol. I, 1935. Ch. I-III give a historical account of the Land Revenue system, Ch. XI deals with the normal survey tenure and with the new "inalienable" tenure under the Land Revenue Code, and Chapter XII with "Inam" tenures. There is also another tenure—the impartible tenure—given under Land Revenue Rules 37 (4) and designed to stop the fragmentation of holdings.

**Inalienable
tenure.** You will probably meet a number of applications from occupants of inalienable land to convert their holdings into ordinary survey (i.e., transferable) tenure on payment of so many multiples of the assessment. Such applications should almost always be refused, as, whatever the occupant's protestations may be, he is probably the dupe of some richer or more intelligent individual who wants to buy the land from him below its real value, thinking that the soft hearted Assistant Collector will not demand from a poverty stricken Warli the full difference in the value of the land on the two tenures. Land is given on the inalienable tenure at a much less occupancy price than on the transferable tenure, and if the occupant wants to change the tenure, Government is entitled to take the full difference between the prices, as the occupant is obtaining a valuable saleable addition to his property.

This inalienable tenure, which disallows sale, mortgage, etc., of land, is particularly necessary in

grant of land to cultivators belonging to backward or forest tribes. These owing to their imprudent and often intemperate habits, their lack of education and their ignorance of commercial morality, are liable to be exploited by their more intelligent neighbours and swindled out of what land they have, with the result that they must inevitably sink to the position of landless labourers.

The present generation, or next few generations, of these tribes may be victimised by the money-lender who keeps them almost as serfs, advancing them grain and cash and in return taking all the produce from the land except enough to keep the cultivator and his family alive. But so long as their land is on inalienable tenure and the Revenue authorities are vigilant, the money-lender will not be able to obtain ownership of the land nor to evict the occupants; and therefore, if and when education and Village Improvement will, (as it is to be hoped they will) render the Bhil and other jungle tribes better cultivators anxious for a higher standard of living, their ancestral land will still be available to give them a far better opportunity of economic release than if they were mere landless serfs.

This should be borne in mind when an unintelligent or unjust subordinate suggests that because an improvident Warli has passed a sale deed or mortgage to the Savkar for his inalienable tenure land, therefore the land should be forfeited from the Warli and sold by auction or given to someone else e.g., the Savkar, on payment of occupancy price. The object of the tenure is not to punish the owner who alienates his

land, but to prevent him doing so. Therefore normally, of you find someone has sold inalienable tenure land, forfeit it to Government for breach of the condition of tenure, thus extinguishing any right created by the transaction with private parties, and then regrant it on inalienable tenure to the previous owner for a nominal occupancy price.

Non-agri-
cultural
use.

An occupant of land held on the Survey Tenure cannot use it for any purposes other than agricultural, except with the permission of Government. If a cultivator wants to build a house in his field and let it out to a lawyer to live in, he must get Government's permission and will have to pay a higher rate of assessment on the area converted for non-agricultural use. But if a cultivator build in his field a house to live in *himself*, he is not converting it to non-agricultural use, because as an agriculturist he is entitled to have his farm house on his land. In the same way if he wants to put up a cattle-shed, or a shed for an oil engine to pump water to irrigate his land, these are agricultural uses and no permission is required and *no altered assessment is leviable*. Subordinate officials are sometimes inclined to imagine that any kind of building in a survey number needs permission and levy of higher assessment, and hardship is thus caused to cultivators anxious to improve their land. Therefore this point must be watched.

No permission is required to convert Inam land into non-agricultural use.

The application to convert to non-agricultural use is covered by Land Revenue Code Sections 45 and 65

and Land Revenue Rules Ch. XIV Rule 80 seq. The following points should be noted :—

(1) The application must be made by the person who is entered in the Record of Rights as occupant, or accompanied by a statement of this occupant that he agrees to the application being made. It should be accompanied by an extract of the Record of Rights for the land concerned.

(2) You must on receipt at once send a written acknowledgment of the receipt of the application.

(3) Final orders on the application have to be passed after due inquiry *within three months* of the receipt of the applications. If orders are not passed during this period, no condition can be imposed.

(4) Inform the applicant clearly as to the conditions of altered assessment, building regulations etc. prescribed in the locality, and ask whether he agrees to these.

(5) State clearly that altered assessment will be levied on the whole area for which permission is asked.

(6) In any locality where much building is taking place or is likely to take place, ask the applicant to send a large scale plan showing the area to be converted and the buildings proposed thereon.

Unless you pass final orders within three months of receipt of the application, the applicant is entitled to convert the land to non-agricultural use without restriction and Government will be unable to prevent the erection of unsuitable buildings or the use of land for unsuitable purposes. It is thus most important that non-agricultural use applications be disposed of

within the statutory period. Government in their G.R., R.D., No. 3511/24, dated 8th January 1927, warned officers that they will be personally held responsible for any delays that occur in such cases. Therefore it is well to keep a separate list of non-agricultural applications and to inspect it personally at frequent intervals to see that no case is getting behind-hand. When sending such applications to Talukas for report, always fix a date by which the information is to be supplied.

The regulations regarding Non-agricultural assessment vary in various localities and districts and you should obtain from your office the orders which apply to towns and villages in your charge.

When building has been done without permission, in theory it is lawful to evict the occupant under Land Revenue Code Section 48 (a); but this is very seldom necessary, and the failure to obtain permission is usually condoned by the imposition of a fine under Section 65.

It is well to remember, however, that eviction is possible, and occasionally the threat of its enforcement is a useful means of inducing a person who has put up, without permission, an objectionable building in an unsuitable locality, to remove it to a better place.

Remember that the larger Municipalities have building regulations, with which the intending builder will have to comply. Though he may have obtained permission to convert his land to Non-agricultural use, this will not absolve him from the observance of the Municipal regulations.

Encroachments. Encroachments are some of the more troublesome matters with which the Assistant Collector

will have to deal. They may be broadly said to be of two kinds.

(a) Where an encroachment is made on a piece of land which is entered in the Revenue Records as the property of Government, for instance when a man cultivates a portion of an unoccupied Survey Number, or of a common grazing ground, or of a public road between Survey Numbers. In all these cases even if the boundary marks have been removed, the Survey records will enable you to find out the boundary accurately and to see whether any encroachment has taken place. If it has, you take action under Section 61 of the Land Revenue Code, levying assessment and a suitable fine, and not forgetting to evict the encroacher.

Of course there may be some cases where it is not necessary to evict him but instead you may grant him the land encroached upon at a fair price, as for instance when a man cultivates an unwanted corner of a nala bed contiguous to his own field and no inconvenience is caused to the public.

(b) Encroachments within village sites, where normally no Survey has been introduced, are more difficult to deal with, because there is no record of the rights of Government and private parties over unbuilt areas. Many vacant and unoccupied pieces of land in villages have owners in the descendants of those whose houses once stood on the particular sites. Many houses' verandahs, sheds, steps, etc. are built on Government land assigned for public purposes such as roads, because no local official is vigilant enough to take notice of the first signs of occupation.

Such unauthorised occupation is often caused, if not excused, by the appalling delay which takes place in replying to any application for a plot of Government land in a village. If a villager has adjacent to his house a piece of Government land which he wants to buy to build a cowshed on, he will apply to the Assistant Collector. That petition, without it being seen whether all the necessary information is given therein, will be sent to the Taluka, and thence to the Circle Inspector, and then to the Village Officers, and will travel backwards and forwards from office to office gathering the relevant—and a lot of irrelevant—information. This process may literally take years, and only the most patient and law-abiding villager is prepared to wait indefinitely for permission to buy the land and put up his cowshed. It is much quicker and easier for him to chance the village officers spotting it, or to hand over an appropriate sum to a Circle Inspector to keep his eyes shut, and then for him to start to build the cowshed without troubling the authorities with application for the site.

Similarly, to improve the amenities of his shop, the Bania will put up a wooden platform sticking out into the village street. If nobody objects, he will replace it by a stone built one, and, if the Mamlatdar or Assistant Collector does not insist on his removing this, he will build permanent steps sticking well out into the road and probably so narrowing the street that two carts will not be able to pass.

It takes 60 years of continuous possession to create a prescriptive title against Government, but in most cases evidence as to when the encroachment began is

extremely scarce, and without evidence Government is not in a position to declare any occupation an encroachment and to insist on eviction. It is therefore most important that encroachments should be reported as soon as they occur so that the common evidence of villagers may be available, to say that Rama Hari's cattle shed was not there last year, or that last rains two carts could pass in front of Pragji Devji's grocery shop.

It is well to insist on all encroachments being reported in a set form that will give all details, a summary of all evidence available on either side, and a sketch plan. Otherwise you will have the case continually being sent back to the Village Officers to provide further information.

When dealing with encroachment cases familiarise yourself with local methods of describing boundaries in registered sale deeds, the length of the local cubit etc. and do not place much reliance on unregistered documents, the authenticity of the alleged antiquity of which is often dubious.

You may often find evidence that will be of value in a current encroachment case, if you look up filed encroachment cases from the same village. Such often contain sketch plans several years old, which may include the site now in dispute.

Where no public inconvenience is caused by an encroachment, it is often fair to make allowance for the inconvenience caused by Revenue Department delays, and to give an encroacher the choice between purchase of the site and eviction.

"In reports about and orders on cases where the ownership of the land is disputed, great care should be

taken to set forth clearly the documentary and oral evidence which is held to establish the Government title to the land. Orders of eviction should be carried out in strict accordance with the provision of Section 202, Land Revenue Code."

The following Government Circular, Revenue Department, No. 284/24, dated the 1st October 1937, giving a note of the Remembrancer of Legal Affairs, dated the 11th May 1937, is important and should be carefully noted :—

"In enquiries under section 37 (2) of the Bombay Land Revenue Code into alleged or suspected encroachments, it is important to bear in mind the words 'which are not the property of individuals or of aggregates of persons legally capable of holding property' occurring in that section. In order to prove that the land in question is his property a claimant may—

- (1) produce satisfactory evidence as to the actual acquisition of title,
- (2) claim adverse possession, or
- (3) claim title based on possession (not proved to have continued for 60 years)."

In the case of a claim as at (2) or (3), the nature of the alleged possession has to be looked into. The following are some of the acts which, in the circumstances of the cases in which they took place, have been held by the Bombay High Court to be evidence of mere user not amounting to legal possession :

- (1) tethering cattle,
- (2) using the land for throwing refuse,
- (3) keeping fodder, grain and earth,

(4) erection of temporary otlas, or sheds for cows, goats and fowls.

In the case of a claim based on mere possession, the principle of law which is applicable is that possession is *prima facie* evidence of title, and gives a person title against the whole world except the person having a better title. This principle has been embodied in section 110 of the Indian Evidence Act which runs thus :

“ When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.”

When a claim to a piece of land is based on this section, an officer proceeding under section 37 (2), Land Revenue Code, should first see whether the alleged possession is such as to give rise to the presumption under this section of the Indian Evidence Act. As pointed out above, not every kind of user constitutes possession. A man may keep fodder or tether his cattle on a piece of land for reasons of convenience, without intending to exclude others from the use of the land and without objection from his neighbours or interference from the State, the revenue officers being satisfied that he does not intend to take possession of the land and is not asserting any kind of title. It is plain that such acts of user cannot constitute possession. If a temporary structure is erected on a piece of land, it may again not amount to possession, though if a structure stands for many years on a piece of land it would normally lead to a presumption of possession. No strict criteria, however, can be laid down as to what acts necessarily

connote possession and what do not. Criteria would vary with the circumstances of each case. The local pressure on land, the vigilance of neighbours or revenue officers, the period for which the acts of user have continued, the existence of a general custom allowing such acts without objection—these would be circumstances to be taken into consideration in appropriate cases in deciding the nature of the alleged possession. Where, however, an intention to exclude the possession, user or control of others is proved or can be presumed, however slight the actual acts of user, there should be no hesitation in deciding possession to be proved. Acts like erecting a permanent structure or putting up a substantial hedge, especially when such structure or hedge has stood for some time, would generally indicate possession.

If possession is found proved, the next question that would arise is, for how long has it existed? If there be evidence that Government was the owner of the land within 60 years, then such evidence can be used to rebut the *prima facie* title of the claimant arising under section 110 of the Indian Evidence Act, i.e., though the burden of proving that he is not the owner will be on Government, Government may discharge that burden sufficiently by showing their ownership within the past 60 years, and thus put the claimant to substantiate the *prima facie* title. If he does not succeed in this the land cannot be held to be his property within the meaning of section 37 (1) of the Land Revenue Code.

If, however, there be no evidence that Government was the owner of the land at any time within the past

60 years, then if the claimant's subsisting possession is held proved, it must be held that Government cannot prove a better title than his, though his title arises merely under section 110 of the Indian Evidence Act, i.e., is merely *prima facie* title to begin with. In such a case the land must be held to be the claimant's property, subject to any rights that third parties may be able to prove against him. In such a case his possession must necessarily be, or be presumed to be, of long standing, and would generally consist in overt acts clearly indicating exclusive control for a continuous period."

Though for very extensive acquisitions, a special Land Acquisition officer is usually appointed by Government, the ordinary Land Acquisition work in a Sub-Division is done by the Assistant Collector. Full instructions and advice are given in the Manual of Land Acquisition, 1936, and these *must* be studied, as the work has many pitfalls and your failure to observe formalities etc. may involve Government in heavy expenses.

In the acquisition proceedings several points need particularly to be watched. For instance the preliminary estimate of cost must be framed as accurately as possible (*vide* Manual paragraph 38 seq.). Never merely pass on a Mamlatdar's estimate, which is probably based on a Circle Inspector's opinion, which is based on what the Village Officers think—or don't think. All estimates should be supported by reasons and extracts from Record of Rights. In particular, Tahuka Officers are liable to err over land which has

a Non-agricultural value, so check such carefully. An estimate which proves to be much less than the amount finally awarded will lead to trouble as there will not be financial provision for payment of so much money, and also to difficulties with your Collector. (See G. R. Confidential, R. D., No. 1879/24, dated 9th December 1936, the procedure under which you should note carefully.)

As in criminal cases, it will help you to keep the proceedings (L. A. Manual, page 136) in your own hand as far as possible, and not to leave these to a clerk, as you thus see that all formalities are complied with, and no formalities are omitted to invalidate all the proceedings, and that no unnecessary delay is taking place in your own or Taluka Offices to cause loss to Government or the parties.

Proceedings on the ground. "In all important cases and most others it cannot be too strongly insisted upon that the proceedings should be held on the ground which is being acquired in spite of the fact that an inspection may have been made under paragraph 90. This inspection for hearing will fully cover that 'valuation' inspection (paragraph 171). A pocket book and pencil is all that Acquiring officer needs for recording the proceedings on the ground; they can be written up in office afterwards. It is surprising how many spurious allegations will disappear when the parties are confronted on the ground. Moreover it is much more fair to the parties, who can point out boundaries, means of access, facilities for irrigation, condition and value of trees, and many points connected with a building

far more readily on the spot than in an office. Proceedings may relate to a single plot of unculturable land wanted for a gravel pit up to large proceedings involving the acquisition of thousands of acres. Of course a rigid rule cannot be laid down for all these cases, but no conscientious Acquiring Officer could possibly deal with a difficult or important case except on the ground."

(L. A. Manual, p. 51, Para. 148.)

Not only hold proceedings on the spot before you Payment. make your award, but also, when after the award there are a number of small payments to be made,—e.g. as when a road is constructed in open country, it may save much later trouble, if you take an advance from the Treasury (*vide* paragraph 259, L. A. Manual) and pay out cash on the spot, or in the village itself. Villagers better appreciate that they are being given a fair price, if they see their neighbours and themselves receiving silver rupees from the Assistant Collector, than if they get a notice that they will be paid so much on application at the Mamlatdar's office, which means the expenses of going to, and staying at, the Taluka, and—not impossibly—of feeing various underlings from the money. This procedure also discourages references to the Civil Court which, if your award is a proper one, can benefit the lawyers only.

As regards the award itself, remember that you are Award. acting in a quasi judicial capacity :

"It is the legitimate aim of all officers administering the Act to secure for the public all land required for the use of the State at the least burden to the tax-paying public ; on the other hand, no one should be deprived

of his property even on the ground of State necessity without giving him at least as much as a prudent private purchaser would pay. Since the Act therefore imposes a burden on those whose land is taken, it must be interpreted like penal statutes strictly in favour of the private party and every irregularity prejudicing him is fatal to proceedings thereunder."

(L. A. Manual, p. 4, Para. 11.)

Your award must be fair both to the tax-payer, i.e., Government, and to the person dispossessed, and there must be no idea that you are awarding less than the proper value because this would benefit Government, or that you are overpaying the other party from a misplaced idea that Government with its bottomless purse can afford to be generous.

However fair your award, unless it is supported by adequate reasons, it may be upset in the Civil Court, and an excessively high compensation awarded for the land acquired (*vide* paragraph 296 seq.). A map of the locality with the rate per square yard, or per acre, fetched in all recent sales and the dates of the transactions etc. marked up on each plot sold etc. is most useful both to yourself in framing the award and to the Civil Court if a reference should be made. The necessary critical analysis of recent values drawn from dates, prices, position advantages, etc. can be made far more easily by reference to such a map than otherwise. With care you should be able to give such reasons for your award as will secure its acceptance by all reasonable owners and by the Civil Court in the case of others.

The Assistant Collector is very much concerned with the Watans of Village Officers and village servants, and a great deal of useful and interesting information regarding Watans and Watandars may be found in the preface of Phadnis's Watan Act which is well worth reading. The text of the Watan Act itself also needs careful study and Chapter X of the 1908 edition of the Assistant Collector's Manual, Part II, dealing with Inam and Watan lands is a useful Summary and is given as Appendix F.

On taking over your charge, look at all the Watan Registers in your office. If you find that some of them are in a most tattered and torn condition, issue instructions at once to have the defective parts re-copied. Your Sheristedar will not be enthusiastic as this will mean depriving him of the help of a clerk, while the latter is engaged in copying the Watan Registers, so, if the registers are in a particularly bad condition, you should report to the Collector, who may be able to give you a special clerk for this—or alternatively he will tell you that your office let the registers get torn, so you must see that your office re-copies them itself. Doing this will be useful experience in getting things done.

In the same way when inspecting a Mamlatdar's office, personally see all the Watan Registers. They are very likely to be in the same condition as your own, or, as they deal with inferior village servants, who are more numerous than Village officers, in even worse. See that they are put in order.

In making appointments of Village Officers it is necessary to use common sense and not to

Watans.

Watan Registers.

Appoint-ments.

accept a representative Watandar or his nominee as officiator, if he is obviously unfit. You can usually find a Section of the Watan Act which will enable you not to appoint him. But it is also important to remember that the estimation in which the position of a Watandar and its hereditary rights is held enables Government to get an enormous amount of most important Government work performed almost honorarily by the Watandars, and that the wishes of a representative Watandar should not be unnecessarily over-ruled.

It is necessary of course that a regular bad character should not be appointed Patil, and therefore in addition to notifying the watandars interested of the forthcoming appointment proceedings, you will have to inquire from the Mamlatdar whether the Representative Watandar whose turn it is to officiate, or the deputy whom he proposes to appoint, is a fit person to act as Patil. In the case of Police Patel appointments the Mamlatdar should *invariably* consult the Police Sub-Inspector, and, where a man is a bad character who will have to be rejected, a detailed report should be submitted by Mamlatdar or Police Sub-Inspector. Both officers however should avoid instructing subordinates as a regular routine to take statements of other watandars, villagers etc. about the proposed appointee. Such statements are usually worthless, and it is a nuisance to the villagers to be dragged off to the Taluka or elsewhere to have their statements written down.

Though once a man is appointed, your control over him is limited by the provisions of the Watan Act, yet there is in reserve the fear of the Watandar that, if he

or his deputy behave outrageously, his share in the Watan itself may be forfeited under sections 60 and 61 of the Watan Act.

Appointments of inferior village servants are always made by the Mamlatdars, but it is well to watch these appointments, to see that injustice is not done by a busy Mamlatdar leaving the appointments to a clerk or to the Village Officers, who may be influenced by extraneous considerations.

CHAPTER XI

LOCAL SELF-GOVERNMENT

Municipalities.

The Assistant Collector will have little to do with Municipalities officially, as he is not a member of these bodies. But doubtless when you camp at such towns in your sub-division as have Municipalities, the President and the Chief Officer will call on you, and you will discuss local conditions, schemes of improvement, municipal finances, requests for free grant of land for Municipal purposes, etc. It is a good thing to ask the President to accompany you on a walk round the town, as this lets him point out to you the good sanitary work of the Municipality, or you to him the reverse, and you can see any local improvements achieved or sites suggested.

But remember that the President of a Municipality is not a beneficent autocrat, and probably has to condone some inefficiency to retain the good will of the electors who are nearly always averse to taxation. So congratulate him on what the Municipality has managed to accomplish, rather than be caustic about its deficiencies. This of course does not apply to the worst managed Municipalities which you must try to goad into improvement, and failing that, report them to the Collector suggesting supervision by Government till affairs can be put right.

In case a general or special meeting of the Municipality is to be held during the period of your camp, it would be useful, provided you have time, to attend such meeting informally with the permission of the President. The way in which such meetings are conducted will

ordinarily give you a good idea of the capacity and general inclinations of the President, Chief Officer and prominent councillors of the Municipality concerned.

You will probably have little direct official connection with the District Local Board. But while on tour you should bring to the notice of the Boards any needs of the villagers in the way of well, roads, schools and other matters which are in its sphere, and at the same time you may explain to the villagers that they should make their local member of the Board push their interests in that body, as he is elected to represent *them*, and that they should worry him till he does his duty. In many places the idea still persists that the provision of all needs and amenities is Government's duty, and that Government, and not the Local Board, have the funds for this. Local Boards.

When visiting a village always inspect the water supply, not only for the higher castes, but also for the untouchables and try to get the Local Board or the Village Improvement Committees to take up any improvements required. If the well or tank vests in a local body and not in a private person, see that a notice board, stating that it is open for the use of all castes and classes, is erected and legible, and if it is not, inquire why and report the facts to the local body concerned.

The village school you will also visit, in fact you will usually not be allowed to leave it unvisited, and interest shown in it is always appreciated by the masters and the villagers. You have no official duties about the schools, which in the villages are run by the District School Board, an offshoot of the District Local Board, and in Schools.

larger towns by the Municipal School Boards, and some appreciative remarks in the visit book are really all that is expected of you. But should you find scheduled caste boys sitting separately from the other children, point out that this is against Government orders and, if there seems opposition to them all sitting together, inform the School Board through the Collector that orders are not complied with.

Village
Pancha-
yats.

See the Village Panchayats Manual. These bodies vary very greatly in efficiency, and are—as are all small local self-governing institutions—greatly handicapped by the natural reluctance of the villagers to tax themselves. This must be borne in mind when you find, e.g. filthy dirty streets in a village with a Panchayat, and more progress is probable by encouragement of the efficient Panchayat than by indiscriminating blame of the bad. Any direct help which you can give, e.g. by grant of Government land for school play-ground, manure pits, road widening, etc., will be most valuable. If the President of the District Local Board is also interested in Village Panchayats, probably between the two of you, definite progress can be made in utilizing the Village Panchayat as an instrument of Village Improvement.

Epidemics. As Assistant Collector you are not in theory responsible for dealing with epidemics for this duty is laid on the local authorities, i.e., the Local Boards and the Municipalities, and on the Public Health Department.

The Bombay Local Boards Prevention of Epidemic Diseases Orders, 1935, published by Government Notification No. 19, dated 24th April 1935, gives the procedure for dealing with an epidemic in the districts.

Briefly, it is that the village officers report immediately to the Mamlatdar, who directs the local Medical Officer to visit the village at once, sending with him a Taluka peon, and, if possible, the Mamlatdar, Avalkarkun or Circle Inspector must accompany the Medical Officer. When the Medical Officer has done what he can in the village, he reports to the President, District Local Board, what he has done and what further measures are necessary. He makes a similar report to the Collector, the Assistant Director of Public Health and the Civil Surgeon. The President, District Local Board, on receipt of such a report has to take any further necessary steps to deal with the outbreak, and to report these steps within 5 days to the Collector who, if he gets no report and considers the steps taken inadequate, then takes such steps as he thinks necessary. This procedure gives no official place to the Assistant Collector.

But in practice you will find that you may have to do much in the matter of epidemics. Village Officers may fail to report cholera promptly, local authorities may be slow in taking effective measures, the responsible head, the President of the District Local Board, may live far away from the infected village, and his staff be inert. The Assistant Director, Public Health, may be occupied with an epidemic elsewhere, and the local Mamlatdar think himself too busy to go in person.

The Assistant Collector must keep the Village Officers up to the mark in the prompt reporting of epidemics and the Mamlatdar, Avalkarkun and local Medical Officer in promptly visiting them. Often immediate measures

will stop the spread of cholera which, if neglected, may infect a whole Taluka.

Whenever possible, yourself visit any village where cholera, plague or small-pox has broken out, and before you go, look up the appropriate action against the disease in the Manual of Village Panchayats (p. 65 seq.) or in the Manual of Vital Statistics and Public Health.

In the case of cholera, especially see that the water supply has been disinfected by permanganate of potash, that the village is being kept clean, and that the village officers have an adequate supply of permanganate of potash pills (incidentally always keep these in your own office for emergencies).

For plague, induce the villagers to evacuate their houses and live in their fields, and persuade as many as possible to be inoculated against the disease.

For small-pox, see that every one is vaccinated or revaccinated.

Work of course in co-operation with the Assistant Director of Public Health and his staff, and with the President and Medical Officers of the Local Board and Municipalities, all of whom will probably be most grateful for the "Revenue Influence" which you and your subordinates can exert to get the public to comply with their instructions. But remember that, however, laudable your or their objects may be, persuasion is better than compulsion, and that you will as a rule get more done by carrying local opinion with you in preventive and remedial measures than otherwise. But compulsion, e.g., in not using infected water supply or in keeping the village clean, is also often needed,

CHAPTER XII

OTHER DEPARTMENTS

The Excise Department deals with the taxation and ^{Excise.} control of intoxicating liquors, opium, and intoxicating drugs. As Assistant Collector you will have little direct concern with the Department, the administration and technical work of which is done by Excise Inspectors, Assistant Inspectors and Sub-Inspectors working under a Superintendent of Excise whose charge is of 2 or 3 Districts.

But there are Excise Advisory Committees for ^{Advisory} Districts, Talukas and Towns and the Assistant ^{Commit-} Collector is Chairman of the Committees in his Sub-division for Municipal towns (other than District Headquarters) and for Talukas and petas. The duties of such Committees are as follows :—

“5. The committee shall advise the Collector with regard to the following classes of licenses, viz., country spirit, toddy, foreign liquor ‘on’ and ‘off’ (including wholesale), hemp drugs, hotels, permanent bars at theatres and other places of amusement, refreshment rooms and tree foot-booths located in permanent buildings, on changes in the existing number or location of, and hours of sale at, shops and fixing the strength at which country spirit should be sold.....”

Note.—The actual decision on all matters discussed by the committees and sub-committees rests with the Collector subject to the orders of the Commissioner and Government.

“6. The opinion of the committee shall invariably be ascertained at a meeting and not by a circular issued to the members.”

(G. R., R. D., No. 4681/24, dated 25th May 1934.)

Excise
Adminis-
tration.

When on tour the local Excise Officers will call on you and you should get from them all the information you can about the Excise position, such as sales, etc. of country liquor, toddy, opium, etc. often indicate matters of importance to your administration.

For instance, if the price of liquor is high, the villager may take to illicit distillation, Excise raids may meet with opposition and a contempt for law and order follow, leading to assaults, dacoities, etc.

Again your Magistrates may be imposing sentences on Excise offenders too light to safeguard the Revenue or they may be sending to jail minor Excise offenders who would be more suitably punished by fine. But remember that defrauding Government of its Excise revenue, is as much a crime as any other theft. If you think that the Excise administration in your charge needs modification, put the matter up to your Collector.

It is useful to get an Excise Officer to show you how a liquor shop is inspected. Also if your charge is in an illicit distillation area, occasionally try a batch of Excise cases yourself, and some time take an opportunity of accompanying an Excise party on a raid. This will give you an idea of the Department's difficulties and, if the raid is successful, of the amount of illicit distillation going on.

Excise work is unpopular, so see that the Revenue officials and the village officers give the Department all assistance, and punish any cases of failure to do so.

In inspecting a Mamlatdar's office always see whether he has let any of the Excise licensees get into arrears without taking the steps laid down for recovery, or getting the Collector's orders for delay.

The Assistant Collector has no direct contact with the Co-operative Department, as in the endeavour to get the movement to stand on its own feet without official propping up, such control as there is, has been reserved to the Co-operative Department with its Assistant Registrars and Auditors, and the rest is left to non-official agency. But, though you do not have to check their accounts and the like, always inquire in villages whether there is a Co-operative Credit Society, who are the office-bearers, how is it doing, has it many bad debts, and the like. The rural Co-operative Credit movement has had a difficult time of late years, partly through over-rapid expansion, and partly owing to agricultural depression, and it needs all the encouragement that can be given to it.

Co-operative
Department.

“....Without in any way becoming an active propagandist (the Revenue officer) should, personally and not through his subordinates, make himself acquainted with the progress of the movement in his district, encouraging and helping those who have formed themselves into societies, enlisting the interest and support of men of influence and wealth, and assisting with his advice those who seek to avail themselves of the benefits of co-operation.....”

(G. of I., R. D., of Revenue and Agriculture, No. 12/287/1, dated 17th June 1914.)

Urban Co-operative Societies are not likely to come much in your way, but anything in the way of a Co-operative Marketing Society will repay careful study. Co-operative producers' societies, which should cut the middleman's profits, are obviously a most desirable factor in Village Improvement work, especially to secure

for the cultivators the profit of improved agriculture, poultry-keeping, etc. But such are difficult to make succeed owing to vested interests, the inexperience of producers in trade, the pressure of the money-lending middleman, etc. and therefore in your efforts for Village Improvement do not be led into overhasty promises of profits to the producers if they start, e.g. a Sales Society for the disposal of Rhode Island Reds' eggs.

But a well run Society whether Credit, Sales or any other kind—is a most valuable asset to a village, not only in material profit, but in economic morale, and all you can do to encourage sound Societies will be useful towards the work of Village reconstruction.

Factories
Act.

The Chief Inspector of Factories has provided the following note.

“The Factories Act applies to any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceeding twelve months, and in any part of which a manufactory process is being carried on with the aid of power, or is ordinarily so carried on. It also applies to other places which have been specially notified by Government.

Though under the Factories Act, the Assistant Collector as a Sub-Divisional Magistrate is an Ex-Officio Factory Inspector, with a right of entry into any factory, his powers are limited to an examination of the premises and of the notices, registers and muster rolls, to be satisfied that the restrictions on the employment of labour are observed.

A notice has to be posted in every factory (Sections 39 and 55) showing the period of work of all adults and children. If a factory works long hours the workers

must be suitably grouped. At any time the group or relay that should be working will be known from the notice. The group or relay period must be entered against every person's name in the register, and it is an offence (Section 42) to work any person in contravention of the notice and the periods of work shown in the register (Ginning factories work long machinery hours and surprise visits are very necessary). In checking, therefore, the best course is immediately to take the names of the persons who are actually working, with a note of the class of work being done and afterwards compare with the register and notice. It is advisable not to waste time in the taking of the names as those working in contravention of the notice will vanish at once. The Factories Act, subject to certain exemptions for engine and boiler staffs, etc. which need not unduly worry you, permits a 54-hour week for adults in perennial factories, a 56-hour week in continuous production factories, and a 60-hour week in seasonal factories of which cotton gins and presses are the best example (Section 54). So far as male adults are concerned the maximum daily hours have been fixed at 10 in all factories other than seasonal factories in which the maximum may be 11 (Section 56). Women may not be employed for more than 10 hours a day under any circumstances, children may not be employed for more than 5 hours a day and must be passed by the Certifying Surgeon who is almost invariably a Government Medical Officer (Sections 50, 52 and 54). Adolescents, that is to say, persons between the ages of 15 and 17 must be certified and only those who are certified fit may be employed adult hours [Section 53 (1)]. Very few children are employed in factories now-a-days. Women and children

may not be employed from November 1st to March 31st before 6-30 a.m. and after 7-30 a.m. For the remainder of the year the times are 6-0 a.m. and 7-0 a.m. respectively. Surprise visits before and after these hours are of the utmost value to prevent abuses (Sections 45 (1) (b) and 54). The more remote the factory, the more valuable the visit. The full-time Inspectors pay a fair number of such surprise visits but they are handicapped by paucity of staff and difficulties of touring. They institute a number of prosecutions year by year for such irregularities and more assistance from Sub-Divisional Magistrate would be welcomed by the Factory Department.

Owing to serious accidents to women in cotton pressing factories from fires caused by openers, Section 29 requires the erection of a partition between the feed and delivery ends of the machine and the employment of women is limited to the feed end, i.e., the mixing room side. If any breach is detected, the Chief Inspector of Factories should be informed. Owing to accidents to small infants, the admission of such between the ages of 2 and 12 to the machinery portions of cotton ginning factories and to match and explosive factories has been prohibited by Rule 56.

The interior of cotton ginning factories must be lighted at night either by electricity or, if candles are used, there must be at least one per two gins (Rule 28). In checking at night, therefore, any breach of this rule should be reported. It is also an offence under Rule 40 to use vapour pressure lamps in the interior of ginning factories.

An abstract of the Act in English and the vernaculars has to be posted in a conspicuous place in all factories (Section 76). The object is to ensure that workers are

acquainted with the Law. There is a tendency to keep the abstract out of sight. It is usual for Ex-Officio Inspectors to obtain the sanction of the District Magistrate before instituting proceedings under any of the labour sections of the Act, but the Chief Inspector of Factories may be consulted in any of the other matters indicated in the note.

The Factories Act and Rules and the various forms are printed in one publication which should be in your office."

Irrigation works are broadly speaking classifiable Irriga-
into two types—(1) tanks and canals for which tion.
Capital and Revenue Accounts are kept and which are commonly called "*First Class Works*", and (2) small tanks and bandharas for which neither Capital nor Revenue Accounts are kept and which are commonly called "*Second Class Works*". Second class works are again of two types—(a) those notified as second class irrigation works under Section 73 of the Bombay Irrigation Act, 1879 (Bom. VII of 1879), and (b) those which have not been so notified.

The management and administration of Irrigation from first class works are governed by the provisions of the Irrigation Act and the rules framed thereunder, viz., the Bombay Canal Rules, 1934. These works are fully in charge of the Irrigation Department.

The management and administration of irrigation from second class works of type (a) is governed by part X of the Bombay Irrigation Act, 1879, and the rules framed thereunder. These works are in charge of the Irrigation Department for special repairs and improvements. Irrigation from second class works of type (b) is regulated according to the Record of

Rights. The administration of both types is in charge of the Revenue Department.

The management and administration of Irrigation from works in charge of the Irrigation Department is the concern of that Department. As Assistant Collector you should, however, familiarise yourself with the Irrigation Rules applicable to the canals in your Sub-Division so that, if a villager complains against the Irrigation Department, the knowledge of these rules will enable you to explain to the complainant the Irrigation Department's action and its necessity.

Do not be too credulous in accepting allegations against the Irrigation Department, as the irrigator being ignorant of scientific irrigation theories sometimes sees, or affects to see, in necessary precautions merely the zulum of the unfree'd subordinate. If, however, you should happen to come across cases where the Irrigation Department subordinates may seem to have departed from the rules, report such departure from the rules to the Executive Engineer.

“For individual grievances the complainants should be referred to the Executive Engineer. About the fairness of distribution, the sufficiency of supply, the suitability of rates, the remission of rates, the competence or honesty of the management and other such general questions, the Assistant Collector may form an opinion, being careful not to interfere with the departmental control, and may communicate it to the Executive Engineer or, if of major importance, to the Collector.”

Occasionally accompany the local Sub-Divisional Officer on a visit of inspection so as to acquaint yourself

more thoroughly with the system of working, and ask him to be present at any agricultural demonstration that may be organised or at Jamabandi, and to give a short lecture on local irrigation problems and answer any questions of the cultivators.

In the case of second class works of the type (a) the Assistant Collector should see that the cultivators fulfil the obligations laid upon them under the provisions of Section 84 of the Bombay Irrigation Act, 1879, and you should yourself enquire into the complaints of short supply from such works.

“Forest Administration is a branch of general Forests. administration, and responsibility for a wise and efficient management of forests rests as much with the Collectors and their Assistants as with the Officers of the Forest Department.”

(Compilation of Revenue Standing Orders, p. 482.)

“In providing a special establishment for forest purposes Government did not intend and cannot allow the ordinary executive to be relieved of any responsibility which before attached to it; it is as much a part of the duty of Village and Revenue and Police Officers to protect Government property in trees now as it was before trees were transferred to the Forest Department.”

(Compilation of Revenue Standing Orders, p. 481.)

“In its management of forests the ease and contentment of the people is an object of greater solicitude to Government than the realization of revenue, and while no relaxation of precautions necessary for the conservation and reproduction of the timber and firewood

supplies can be permitted and the Forest Officers must be vigorously supported in resisting unauthorised encroachments, Government have no desire to increase their forest revenue by the curtailment of conceded privileges or of local supply or by the levy of excessive charges for grass and other minor forest produce. The benefit of any revenue so obtained would be altogether insufficient to countervail the hardship and irritation that would be caused were the ryots unduly pressed in the matter of obtaining rab and firewood, grazing for their cattle, or grass for thatching and other household purposes."

(Compilation of Revenue Standing Orders, p. 483.)

The present system of Forest Administration is summarised in Appendix "G", and the Assistant Collector has no concern with the professional forest administration. But you will find that Forests affect your work in various ways. Villagers will come to you asking you to get them more grazing, more wood, and other privileges, or will complain of Forest Subordinates' highhandedness in impounding their cattle etc., and unless you have a working knowledge of the general administration of the Forests and of the rules and regulations concerning those in your sub-division, you may be led into ill-judged controversy with the Forest Officers. Therefore take every opportunity you can of learning about the Forests, camp if possible at intervals with the Divisional Forest Officer and go round with him for a day or two in the jungles, call on the Conservator if he camps anywhere near you and discuss any problems which you and the Divisional Forest Officer have not been able to settle between you.

You can probably do more by explaining personally to the Divisional Forest Officer any real difficulties which you find the villagers experience, than by writing, and you will probably learn much of why seemingly irksome restrictions have to be imposed to protect valuable public property.

While seeing that all grievances of the villagers are brought to notice, insist that your subordinates afford all necessary help to the Forest Department Officials. The knowledge that the Revenue Department and the Forest Department are combined, both in redressing Forest grievances and in enforcing Forest regulations, will do much to ensure the smooth administration of the Forest Department.

The Range Forest Officers in your sub-division will call on you when you are in camp in their Ranges; discuss with them the working of their forests and any difficulties that they may be meeting with.

You will find that big game shooting has the great advantage of bringing you into close contact with the administration of the forests, with the Forest Officers and with the forest tribes, and you can learn a great deal of most useful knowledge when out for Shikar.

CHAPTER XIII.

CERTAIN IMPORTANT ACTS.

Arms
Act.

Normally the administration of the Arms Act is carried out by the District Magistrate but in some districts the renewal of gun licences is done by the Sub-Divisional Magistrate.

If you have to renew gun licenses the following extract from "the Junior Collector's Hand Book" gives useful advice provided you substitute "S.D.M." for "D.M." throughout.

"Government have of recent years issued strict orders about the control of licences for fire-arms. There is no doubt that a number of weapons are out without licences; but what is entirely preventable is that a weapon which is once licensed should be lost sight of afterwards. This can never happen if the District Magistrate is vigilant. Suppose in a certain district there are 80 licenses for 80 fire-arms. Seventy-five of these apply for renewal before the end of the year. What about the remaining five? The District Magistrate must personally see in the month of January that these remaining five are brought up before him. Only in this way can the unauthorized keeping of fire-arms be prevented. What usually happens is that the District Magistrate does not take any trouble; and the clerk who is generally over-worked about this time, puts up a list sometimes as late as October following, that five licenses had not been renewed. The District Magistrate asks the police to inquire. Later it is reported that one of the licensees has left the province. The District Magistrate orders "strike off". Perhaps

another has been transferred. About him he orders "Strike off from the register and inform the District Magistrate of the place to which the man has been transferred". Both these orders are incorrect. In the first case, if the man has left the province, you must take some steps to see that the fire-arm is properly licensed. Sometimes an officer goes away to England on retirement and hands over his gun to a friend, who thus keeps it for the rest of his life without a licence. In the second case, as soon as you have got the license struck off from your register, that particular fire-arm is unregistered anywhere and there is no certainty that the man will be found in the district to which he is reported to have been transferred. These examples are taken from actual cases which have come before me and the second one relating to transfer is a very common one; in some districts there are even printed post-cards with this order. The proper order in the first case is to ask the police to trace the man to whatever province he is supposed to have gone; and in the case of an officer who has gone away to England, to write to his address in England. In the case of a man leaving one district for another on transfer, the proper order is to inform the District Magistrate of the place where the man has gone and ask him to take action; and only after he reports that he has registered the license in his district should you strike it off from yours.

Again, do not renew a licence which does not belong to your district, unless you are requested to do so by the Magistrate of the district where the license was issued."

“ Fees.—Remember, also, that there is a misapprehension in the minds of many officers and clerks about the amount of fees to be paid on renewal. The orders are that full fee is payable, unless the renewal is made within a month of the expiry of the licence, in which case only half fee is taken. No discretion is allowed to you. If the licence has not been renewed in the month, full fee must be paid.”

(The Junior Collector's Handbook, p. 120.)

You may find that licensees are extremely lax in submitting their licenses for renewal in which case, after one warning you may find it advisable to order prosecution, as soon as the period covered by the license has expired. You will have to use your discretion, however; it might be, for instance, inadvisable to prosecute a well-known and respected landlord or your own Collector without a warning, if he forget to renew his gun license in time.

You should bring to the notice of the District Magistrate for cancellation any cases where fire-arms have been misused, or where the licensees have been careless in their custody and weapons have been stolen or used by others, or where the licensee's general conduct is such as to make it undesirable to allow him arms, also cases where the number of arms in a particular area seems excessive, or where owing to the depredations of pig or dacoits more weapons seem needed. But do not be too credulous about alleged needs for weapons; “pig” or “dacoits” may mean no more than the applicant's swelled head!

A gun license given on plea of “pig” should be for “Crop protection only” on form XIX and that for

"Dacoits" for "protection" only on form XVI, striking out other alternatives of "sport" and "display". These restrictions are necessary to discourage ruthless destruction of game and poaching in Forests—though of course the purpose for which a license is granted does not ensure that the gun will only be so used!

The Bombay Children's Act defines a child as a person under 16 years of age, and it deals with the care of destitute children, offences against children, youthful offenders, certified schools for children affected by the Act, and Juvenile Courts. You will probably have a certain number of children brought up in your Court for breaches of the law, and as Sub-Divisional Magistrate you will have to watch the proceedings of your Magistrates when children are sent up before them. The Children's Act.

It is obvious—though often apparently not so to some Magistrates—that children should not be looked upon as, nor herded with, adult offenders, and that treatment must be protective and remedial. Read "The Report of the Committee of Inquiry into the Care of Destitute Children and Young Offenders, 1933", and "The Instructions for the guidance of Criminal Courts and Police Officers in regard to the Treatment of Young Offenders", both of which should be in your office.

Normally *all* girls, and almost without exception all boys, arrested and brought before you are to be released on bail instead of being kept in custody, and if it is necessary to remand them to custody, it must be if possible to a school, institution and the like, not to the lock-up.

The trial of juveniles must be separate from that of adults and the proceedings must be as simple as possible.

Except in very exceptional circumstances sentence of imprisonment is illegal.

Government Circular, H. D., No. 5039/3-III of 24th February 1936 gives further instructions, all of which should be studied, and extracts are given in Appendix D.

Even despite these orders you may find Police or Magistrates putting unfortunate children into Taluka Lock-ups or sentencing them to jail. If you do, you must take very serious notice of it.

Take any opportunity of visiting a certified school—in particular if you go to Poona, see the Yeravda School which is a remarkably successful institution. If there is a probation officer at your head quarters or in your Sub-Division, discuss the local problems of youthful offenders with him.

The
Borstal
Schools
Act.

The Borstal Schools Act applies to persons not less than 16 and not more than 21, i.e., those who are no longer children, but not of age, and whose associations with crime in the past are such that it is worth while trying to reform them and to turn them into decent citizens. Government Circular, Home Department, No. P. 158 of 17th July 1936, indicates which offenders can be suitably sent to a Borstal School.

“3. Adolescent offenders may be classified into three broad categories :—

(1) the first offender, who has no criminal habits or associations. Such boys are not suitable for detention in the Borstal School, inasmuch as they do not require the education and training provided there. Section 562 of the Criminal Procedure Code should cover the normal case of this type ;

(2) the youthful criminal, possibly with previous convictions—Magistrates should enquire carefully into the previous history of such persons, and if convinced of their bad habits and associations, should award a sentence of Borstal detention rather than a short period of imprisonment, as the latter in no way acts as a deterrent and does nothing to assist in the reformation of adolescent offenders ;

(3) the youthful offender whose offence is too serious to be dealt with under Criminal Procedure Code, 562, but whose (a) crime and (b) habits and associations do not indicate that he is a Borstal type. Such boys should be sent to the Juvenile Section of one of the Prisons.

“ 4. The Governor in Council hopes that Magistrates will bear in mind the distinctions outlined above and will consider carefully the principles underlying them, so that, in future a more scientific application of the law in regard to youthful offenders may be secured. District Magistrates are requested to pay special attention to juvenile crime when examining criminal returns and Courts and should comment in their annual reports on the attention Subordinate Magistrates are giving to the matter.”

(G.C., H.D., No. P. 158, dated 17th July 1938.)

Do not forget that for the reformatory treatment to be effective time is needed.

“ In recording the report for 1933-34 of the Bombay Presidency Borstal Association the Governor in Council would again draw the attention of Magistrates to the need for awarding adequate periods of detention..... The Magistrates are again reminded that a period of, say,

five years' detention, is no harsher than a period of three or even two years for, after a certain portion of the period of detention has been passed, and in *any* event after two years, the case of *every* boy is reviewed and if he has behaved well and has profited by his training he is released. The advantage of the longer period lies in the fact that after release a boy is under guidance for a longer period and has much more chance of settling down to a useful life. It is to be remembered that in deciding how long the period of detention should be, the time required for reformation and training should be the criterion and not the amount of punishment deserved."

(G.R., H.D., No. P. 169, dated 18th July 1934.)

CHAPTER XIV

POLICE.

You will find in your Sub-Division one or more Police Inspectors and a number of Police Sub-Inspectors. These officers will of course pay an official call on you, but your relations with the Police of your Sub-Division must not remain mere formalities. You, as Sub-Divisional Magistrate, are responsible for seeing that peace and good order prevail in your Sub-Division and you need to know pretty well as much about the conditions of law and order, as the local Police officers themselves. You and the Police are jointly engaged in this task, and in the same way as the District Superintendent of Police or his sub-divisional officer will insist that the Police Sub-Inspectors co-operate fully with your Mamlatdars and Magistrates, so you must see that your officers co-operate with the local Police.

Do not fall into the error that your own contact with the Police is merely to sit in judgment on the cases they send up to your Court, but take every opportunity of discussing local matters with the Police officers in your Sub-Division, and encourage them to explain and discuss their difficulties with you. This will lead to an appreciation of the practical difficulties of Police work which will probably save you from many mistakes in trying your cases, and on the other hand the Police officers will realize the criteria which a magistrate must apply to cases and to evidence put up by the Police. The Police Sub-Inspectors will then come to understand that the Sub-Divisional Magistrate regards them as his

co-adjutors in administration, and not as corrupt inquisitors and oppressors of the poor.

Remember that as a result of the Police Commission, the personnel, outlook and morale of the Police has changed enormously in the last 30 years. Though you must of course keep your eyes open for cases where Police officers may fail in, or may exceed, their duty it is safe to say that most complaints of Police "zulum" are baseless, and designed merely to prejudice the case in favour of the accused; and you may work on the assumption that the Police are as honest and upright as other Government servants; and it is just as much your duty to protect the Police, and other public servants, from harassment and unjust attack, as it is to protect the public from unjust officials.

Accusa-
tions
against
the Police.

Government have issued administrative orders regarding the investigation of charges of serious misconduct made against the Police, designed to ensure both that charges are promptly and efficiently investigated and that the Police are not exposed to baseless harassment.

These orders are given in Appendix E and should be carefully studied. In particular, if you get a complaint against the Police it is always desirable to hold a preliminary enquiry under section 202, Criminal Procedure Code, preferably by sending the complaint under that section to the District Superintendent of Police or the Police Sub-Divisional Officer.

It is better that all complaints against Police officers, even trivial ones, should be tried by you as Sub-Divisional Magistrate.

One subject on which you are likely to have difference of opinion with the Police is on the work of Police Patels and Village watchmen. Admittedly these are often incompetent or lazy in their duties and the Police, anxious to increase the Police efficiency of these officials, desire to get them under their sole control. This however is not contemplated by the system of administration, nor permitted by the Watan Act, nor having regard to their minute or non-existent remuneration, is it reasonable to expect either full time or specially efficient work from Patels and village watchmen, and it is quite beyond the finances of Government to provide adequate salaries for all these thousands of Village Police.

Police officers do not always appreciate the difficulty of taking any action against Watandar Village Officers, whose dismissal, etc., are governed by the complicated machinery of the Watan Act. You will probably find in practice that more can be done to keep Patels and others up to the mark by encouragement and precept and by impressing on the Patels the rules Government have laid down for their guidance, than by continual disciplinary action. Cases of deliberate mal-practice or failure to render help to the Police must of course be dealt with promptly and severely under Parts IX-X of the Watan Act. It is well to discuss the difficulty of dealing with Watandar village servants with Sub-Divisional Police Officer and the Police Sub-Inspectors when opportunity offers as this enables you to appreciate the Police difficulty and the Police to appreciate the intricacies of the Watan Act.

CHAPTER XV

SOCIAL

Calls are of two kinds, official and social.

Official
Calls.

You will of course report yourself to your Collector on arrival in the Station. In addition, you must call officially on the Commissioner, if at the Headquarters of a Division, and on the District Judge, and also on any senior officials of other services that may be in the station, such as the D. I. G. Police, the Conservator of Forests, or Superintending Engineer. It is best to write a D.O. letter to these latter officers asking them when it would be convenient for them to see you, and call in accordance with the replies. The District Judge will probably want to see you to give some advice about your magisterial work.

If you go to Bombay for more than a day or two while Government is there, you will write your name in H. E. the Governor's book at the Secretariat, and, if in Poona, both in his book at the Council Hall, and in the book of the G. O. C. in C., Southern Command.

In Bombay or Poona you will call officially at his office on the Honourable the Chief Minister, and on the Honourable Minister in charge of the Revenue Department, and, if you are staying more than a very short while,

on all other Honourable Ministers also.* You will also always call officially on the Chief Secretary to Government.

If in Bombay for any length of time, write your name in the books of the Chief Justice of Bombay, the G.O.C., Bombay, and the Flag Officer Commanding, R.I.N. In Poona besides the book of the G. O. C. in C., Southern Command, write your name in that of the Brigade Commander, Poona.

When you write your name in the Government Book leave a card for H. E. the Governor's staff.

If you are in the Station when an Honourable Minister comes there on tour, you will call on him.

As regards social calls, these are obligatory, and not a matter of personal inclination, as an official position is held to involve certain social duties. A bachelor or an officer, whose wife is not with him in the station, calls on all married ladies, leaving one card for the lady and one for her husband, and, if there is a grown up daughter living with her parents, a third card for her. You need not call on senior officers whose wives or daughters are not in the station (except for the official calls mentioned Social Calls.

*Extract from Government Circular No. 22590/34, Political and Services Department, dated 24th May 1938.

"4. Members of the All-India Services under the Government of Bombay, who have occasion to visit Bombay or Poona on official business should take the opportunity of calling on the Honourable Ministers, if time permits.

5. Calls should be made at the Secretariat in Bombay and at the place where the Honourable Minister usually works in Poona.

6. If a Minister is absent from his office or cannot receive the visitor when the call is made, the officer making the call should leave his card."

above). If there are troops at the station, you will call on all Regimental and other Officers' Messes, leaving two cards, one for "Col. X.Y.Z." or whatever the name of the C. O. may be, and the other for "The Officers, the Nth Cavalry". You will also write your name in the visitors' book of the Officer Commanding the Station, if he has one.

If your wife is in the station, you will not pay the social calls on married ladies referred to above, but the ladies will come and call on your wife, and she will return their calls.

It is usual to pay social calls by going round and placing the appropriate cards in the lady's calling box hanging at the bungalow gate; if this is not visible, drive up to the house and give the cards to a servant, and if the mistress sends out "to give salaams", then you go in; if she does not, you go away and make your next call. Do not send your cards by post.

It is easy to cavil at the absurdity of the calling system, but in the first place it is a custom with which it is unwise not to comply, and in the second it serves to notify to other people that you are in the station.

In Poona there is a "Calling League" which simplifies matters and you can get particulars at the Poona Club, if stationed there. But it does not relieve you of the necessity of the official calls mentioned above.

Social
matters.

In conversation address your Collector and other senior officers as "Sir". The same applies, of course, when you meet an Honourable Minister. Especially do this to all Military officers of, and above, the rank of Major, as they are so addressed by junior military officers

of your age and older. If any officer does *not* want you to call him "Sir", he will tell you so, and it is preferable to be so told, rather than to be told off for *not* calling him "Sir".

In this connection, in D. O. correspondence always address an officer as "Dear Mr. A" unless you know him familiarly enough to call him "A" in conversation. This applies to writing to your subordinates as well as to your superiors.

You will have to join the local Club or Gymkhana, as this is another obligation of official life. Even though you may be shy of thrusting yourself among comparative strangers, make a practice of going to the Club regularly; it will probably rub off some unsuspected corners of your personality, to your lasting benefit. Even if you should find the Society at the Club uninteresting, you have in virtue of your position to fill a place in the social life of the station and to do your part to amuse and entertain the other residents, who may not have your resources of culture and interests. Golf, tennis, etc., and bridge are valuable aids to getting to know your fellows.

There are some conventions in dress which have to be observed; e.g. in dining at Government House, Military Messes and at large formal dinner parties, tail coat, white waist-coat and stiff shirt are imperative.

White kidgloves are always to be worn at dances at Government House and long white gloves by ladies.

For other dinner parties a short coat and a black tie suffice. As a junior it is better to err on the side of formality than on the reverse, so when invited to dinner by your Collector or other Senior Officers, do not wear a softfronted shirt.

On ceremonial occasions, such as an arrival of the Governor, the correct dress is morning coat and top hat or white topi, but until you reach the position of a Collector a cloth lounge suit is permissible on these occasions. It is not correct to turn up at any formal function in a light coloured washing suit. Even when in camp shirt sleeves and no tie is an unsuitable costume in which to try cases or to receive callers. Both are occasions of a certain formality.

Presents. Ask your office to put up the Bombay Civil Services Conduct, Discipline and Appeal Rules, and read them. Though under rule 6 (3) you are permitted to receive fruit and flowers, and though there is no objection to accepting a few mangoes or a bunch of grapes from a country gentleman's own orchard or vineyard, yet you will find life easier if you make a definite rule never to accept *any* "Dalis" i.e. baskets of fruits of varying kinds, cakes etc., for such are often of more than "trifling value". If you accept such a Dali from a well-to-do merchant or landlord to whom the cost is of no consequence, you can hardly, without giving offence, refuse to accept them from others, including from those who cannot afford to make such presents, but who feel that they are socially bound to give them or that it would help their social or business prospects if they did. The rule never to accept any Dali is simple,

and, when known to your friends, will be appreciated and observed.

You will not, however, be able to escape the acceptance of garlands or flowers on various suitable and unsuitable occasions. But it is well to issue a definite order that garlands and fruit are *never* received from your own subordinates of whatever rank. It is embarrassing to be garlanded by a Mamlatdar whose administration you may have just been criticising with acerbity, or by a clerk with a large family who ought not to waste his money on flowers.

APPENDICES.

- A.—EXTRACT FROM VILLAGE PANCHAYAT MANUAL, PART II.
- B.—FORM OF CONFIDENTIAL REPORT.
- C.—EXAMPLE OF A STAMP FRAUD.
- D.—ORDERS REGARDING JUVENILE OFFENDERS.
- E.—EXTRACT FROM THE BOMBAY DISTRICT POLICE MANUAL.
- F.—CHAPTER X OF ASSISTANT COLLECTORS' MANUAL, PART II—
WATANS.
- G.—CHAPTER XII OF ASSISTANT COLLECTORS' MANUAL, PART II—
FORESTS.
- H.—INSTRUCTION FOR COUNTING COIN AND NOTES.

APPENDIX A.

The following extract from the Manual for Village Panchayats, indicate a number of matters which the Assistant Collector may observe and discuss when visiting a village.

SANITATION.

(1) Are the village and its surroundings overgrown with prickly pear ?

Cochineal insects can remove it.

(2) Has some type of fly-proof latrine, especially for women and children been provided ?

Bore-hole and trench latrines with moveable screens are wanted. Ashes on the top of night-soil or manure keep off flies.

(3) If a Panchayat has built latrines, how is the night-soil disposed of ?

The Nasik system of disposal of night-soil adapted to villages is the best.

(4) Are manure and house refuse thrown on the streets or on vacant spaces and abandoned house sites ?

Manure pits outside the village or on its outskirts, constructed and maintained as advised by the Agricultural Department will improve sanitation and provide valuable manure.

(5) Do householders let their waste water flow on to the roads to form malarial pools or muddy thoroughfares ?

If there is a slope to drain the water off, a pukka gutter kept free of refuse may be useful. If not, cess-pools with removeable buckets or tins or even safe soak pits, if far from wells, may suffice. The buckets may be emptied to water a patch of vegetables or flowers or trees.

(6) Are roads dusty in the dry weather and muddy in the rains ?

Roads made of murrum and gutters are necessary.

(7) Are there step wells and consequently guinea worm ? Such wells should be converted into draw wells.

(8) Is there water and mud round wells ?

Stone or concrete pavements round the well with gutters to carry water far off are necessary.

(9) Do people draw water with their own soiled pots and ropes from wells or are rollers with ropes and buckets or tins supplied for all to draw water and fill their vessels ?

(10) Is a river or stream the source of drinking water ?

If so, a Hume pipe or iron cylinder with a fine gauze bottom let into the bed of the stream will act as a filter.

(11) Are separate places on the river, with notice boards, assigned for taking drinking water, washing clothes and watering animals ?

The first should be highest up stream and the second and third next below in order.

(12) Are steps taken to prevent squatting in or near river and nala beds ?

The Patel, if invested with powers under the Village Police Act, can fine persons committing nuisances or the Sanitary Committee or Panchayat can do so.

(13) Have the depressed classes a well or facilities for getting pure water ?

A tube well with a cistern and taps may provide this need.

(14) Are diseases such as small-pox, cholera, diarrhoea, dysentery, malaria, eye-diseases, skin-diseases, common ?

This manual tells you how they can be prevented, and, if they occur, treated.

Prevention is better than cure.

AGRICULTURE.

(1) Do the Agricultural Officers advise the introduction into this village of—

(a) improved varieties of seed such as Akola bajri and Banilla cotton ;

(b) iron ploughs and mhots or other implements ;

(c) new methods of sowing and interculture ;

(d) oil-cake and artificial manures ?

Find out what improvements have been successful in similar villages in the taluka and ask advice of the District Agricultural Overseer.

(2) Is Jowari seed rolled in a metal pot or special barrel with flowers of sulphur to prevent smut ?

Smut can be prevented at a trifling cost of a few pice per acre.

(3) Is seed kept for sowing next season, selected ?

If the best heads of the plants are not selected in the field for sowing, seed can be selected by using sieves supplied by the Department.

(4) Can marketing be improved by grading or co-operative societies ?

HORTICULTURE.

(1) (a) If fruit is grown, are the best trees obtained ?

(b) Can fruit be grown if there is none ?

(c) Are the methods of planting, treatment, and grafting correct ?

Ask the Horticulturist at the College of Agriculture, Poona.

(2) Are green vegetables and tomatoes which are essential for health, grown by others than malis ?

Get advice as to seed and method of growing and try to start vegetable plots in school compounds and yards of Houses.

ANIMAL HUSBANDRY.

(1) Are young bulls castrated with Burdisto painless castrator and cows allowed to be covered only by selected stud bulls ?

(2) Are the village grazing grounds overrun at the beginning of the monsoon by useless cattle ?

Try and get the best grazing ground divided up and grazed in rotation.

(3) Is fodder such as karbi, cut with a chaff cutter for economy ?

Weak and ill-fed cattle allowed to roam are useless for ploughing, milk or manure.

(4) Can poultry be improved by getting good cocks of Leghorn or Rhode Island Red breeds ?

Good-sized eggs if graded by weighing and stamped with date of laying fetch good prices.

(5) Do the villagers know the best methods of keeping cattle in sheds, poultry and sheep in pens, so as to prevent disease and get the best value for manure ?

(6) Would milk separators be worth buying for trade in cream and butter ?

Read the chapter on Live Stock and ask the Live Stock Expert at Poona for advice.

The above points deal with the sanitation of the outside of dwellings and improvements in husbandry which will put more money into the pockets of the people, but when a worker gets to know the people of the village better, he will see what their homes and social customs are like.

HOMES.

(1) Have the living and sleeping rooms sufficiently big windows to give light and air ?

(2) Is the kitchen dark or lighted enough to see whether pots and pans are clean ?

(3) Are the children bathed daily and sent to school with clean clothes ?

(4) Are cattle, if kept in the yard, tethered in a properly constructed shed as far from the dwelling as possible ?

(5) Is the lying-in room for pregnant women dark and dirty and stocked with dirty rags ?

(6) Is the village dai trained and is she clean and wearing clean clothes and is her home clean or dirty ? Has the dai an outfit and is it in good order ?

(7) Is there an educated woman in the village who could look after (5) and (6) mentioned above.

EDUCATION.

(1) (a) Do children, boys and girls, aged 6 and above attend school regularly ?

(b) Are their bodies and clothes clean ?

(c) Have they any eye or other visible disease ?

(d) Have they small carpets or mats to sit on ?

(2) Is there a master who can teach games or start a Scout Troop ?

A brief description of suitable games is appended to this Manual. The Divisional or District Scout Commissioner will send you a pamphlet on "How to start a Scout Troop" and other information.

(3) Is there a urinal and a trench latrine in the compound of the school and is it kept properly ?

Children should be taught good habits when young.

(4) Is there a play-ground and school garden and, if so, are they used ?

(5) If there is no school, do the villagers wish to subscribe to a Gaoti School ?

(6) Is there a desire for a night-school and, if so, will any school master teach the pupils ?

(7) Do the villagers want to have a library ?

• A list of suitable books is appended.

SOCIAL AND ECONOMIC CONDITIONS.

(1) Do the villagers spend above their means on marriage and other ceremonies ?

A Better Living Society registered under the Co-operative Societies Act can frame rules to prevent extravagant expenditure, but in some villages rules are framed and enforced by public opinion.

(2) Are the rates of interest on loans, especially those secured by mortgage of landed property, reasonable ?

A Co-operative society, if the members and office-bearers are safe and reliable, can do much to lower rates of interest and to pay off old debts with the help of Land Mortgage Banks.

The Registrar and his Assistants will give advice.

(3) Are the fields of holders scattered so as to cause much waste of time and money in their cultivation ?

The problem of consolidating holdings is a difficult one but some of the more sensible cultivators may be induced to exchange fields so as to make the holdings more compact. The first thing to be done is to get a map of the survey numbers and write the names of the holders on each and see how some numbers might be re-distributed. Jirayat and Bagait will have to be treated separately.

(4) Is there a need of a co-operative purchase or sale society ?

Such societies can save much money by joint purchase of artificial manures or oil-cake manures and by joint disposal of fruit, vegetables, gul, etc.

VILLAGE INDUSTRIES.

(1) What village industries are there in the village and if there are none, can any be started ?

Poultry, separating cream for butter and milk appeal to cultivators ; rope-making to Mangs ; carpentry and mason's work to Mahars ; basket-making to several castes ; weaving to Salis ; and carpet-making and soap-making to all castes.

The Live-Stock Expert and the Director of Industries should be consulted.

(2) Can a market be found for the purchase and sale at fair rates of the products of village industries ?

District Executive Committees with the help of officers of the Co-operative Department should assist. Shops for purchase and sale of hand-woven cloth are being started under the Director of Industries in certain cities.

(Manual for Village Panchayats, etc., Part II, pp. 2 to 6.)

APPENDIX B.

SUGGESTED FORM FOR CONFIDENTIAL REPORT.

Taluka

Confidential report for year ending

1. Name of Talati
2. Native place
3. Caste.
4. Age
5. Serving in
- Saza since
6. Pay
7. Examinations passed
8. Vernacular hand-writing
9. Knowledge of Revenue Accounts.
10. Knowledge of (here enter any subjects which it is particularly necessary of which a Talati should have knowledge of in your Sub-Division.
11. Does the Talati know English?
12. If so, English hand-writing
13. How does the Talati get on with his—
 - (a) Village Patels,
 - (b) Other officials,
 - (c) public generally,
14. Has within the year the Talati been—
 - reprimanded,
 - fined,
 - punished,
15. If so, give brief particulars.
16. Physical fitness
17. Do you consider him suited for promotion to Circle Inspector?
18. If so, on account of what qualifications?
19. General remarks (which may include remarks on general ability, honesty and the like).
20. Do you recommend him for transfer and if so, to what Saza.

(Signature).

Mamlatdar.

Foot-Note.—The answer to questions 8, 9, 10, 12, 13, 16 may be—V.G.=very good; G.=good; S.=Satisfactory; O.=Ordinary; F.=Fair; B.=Bad; B.B.=very bad or similar abbreviations.

APPENDIX C.

A STAMP FRAUD CASE.

On the evening of 1st June 1925 when the Treasury was about to be closed, the figures of the balance from the Treasury branch and the Accounts branch were as usual checked and compared and it was noticed that a deficit of Rs. 100 had occurred in the general balance for that day. The treasury was closed that day after the treasurer had recouped the deficit amount. With a view to find out the cause of this deficit the papers of all the clerks were examined. In the meanwhile the Stamp clerk had left the office and therefore his papers could not be examined. On the 2nd June 1925 the Treasurer informed the Treasury Officer that the stamp clerk suspected the possibility of an excess payment of Rs. 100 to Belgaum General Post Office and that he would set the matter right. But the stamp clerk did not attend office though sent for several times. In the meanwhile indents, challans and entries in respect of transactions of stamps on the previous day were examined and it was found out that a wrong entry showing a shortage of Rs. 700 had been effected in the stamp challan.

Subsequent investigation by the Assistant Accounts Officer showed that the defalcation of Rs. 800 was not an isolated instance but the last of a series of defalcations which had begun in November 1921 amounted on the whole to about Rs. 55,000.

The methods followed by the stamp clerk in committing the fraud are given below :—

(1) By showing a less value of stamps as carried over from the old register to the new.

(2) When stamps were issued from double lock to the single lock by showing a lesser figure as received in the single lock register while a large figure was shown as issued from the double lock.

(3) By showing fictitious issues to sub-treasuries in the single lock register. This was done by interpolations carried out after the usual daily check had been carried out by the Treasury Officer and the Register had been signed. It was noticed afterwards that he purposely used to leave out some space for this purpose and then write the words T.O. where the Treasury Officer used to sign.

(4) By crediting a lesser amount to Government when stamps of greater value were sold out from the single lock. This was possible because of the wrong practice of allowing him to write out challans himself.

(5) Lastly by showing the same figure in his single lock register and the challan when that figure did not represent the total actual sales during the day. This was found out when the actual amounts credited were compared with the indents sent by the Posts and Telegraphs offices. This was possible because the Post and Telegraph Officers did not maintain office copies of their indents and therefore could not check the figures. The defalcations were the result of failure to apply the following checks enjoined by the rules :—

1. Standing Order No. 47 to the Stamp Manual requires that value of stamps in single lock should not exceed one week's supply. But it exceeded in this case.
2. The single lock balance was not verified fortnightly.
3. When issues were made from double lock to single lock, entries in both the registers were not compared and verified both in quantities and values.
4. The account of daily sales was not inspected and the correctness of the calculations shown in the single lock register was not checked as required by rule 18.
5. The stock was not checked with the monthly *plus* and *minus* memo. and the closing balances.
6. Treasurer who was the ex-officio vendor had not taken proper care to supervise the work of the clerk.

APPENDIX D.

ORDERS REGARDING JUVENILE OFFENDERS.

“(2) *Arrest and detention by the Police.*—Arrests of children and young persons will continue to be effected in the ordinary way as prescribed by the Criminal Procedure Code. After the arrest of a person appearing to be under sixteen, however, the provisions of the Criminal Procedure Code regarding detention and bail will not apply. Instead, section 18 of the Children's Act makes it obligatory for the Police to release boys on bail in all cases (except when charged with culpable homicide or offences punishable with death or transportation in which cases release on bail is discretionary), unless such release will bring them into association with any reputed criminal; and to release girls on bail in all cases without exception if sufficient security is forthcoming. The provisions of this section must be scrupulously followed in order to avoid detention in an illegal manner.

Should any juvenile not be released on bail by Police for any reason the manner of his detention under section 19 is prescribed in Rule 3. In such cases he should be produced before a Court at the earliest possible moment.

“(3) *Remand by Courts.*—The manner of detention on remand by a Court is prescribed in Rule 4.

If absolutely necessary a boy may be remanded to custody in a magisterial lock-up or sub-jail apart from adult prisoners, but this should not be resorted to if it can be avoided. Any institution, school, hospital, dispensary, hostel, mission, orphanage, Criminal Tribes Settlement, Children's Home or private house, which the Court considers suitable, and the owner or occupier of which is agreeable, may be used as a place of safety for the purpose of remand. Government are prepared to pay diet charges at a rate not exceeding eight annas per diem in such cases if required. In this connection District Magistrates are reminded of paragraph 1 of Government Resolution, Home Department, No. 5781/3, dated the 3rd August 1935, regarding diet charges of juveniles on remand.

“(4) *Preliminary enquiries by Probation Officers or Supervisors.*—Probation is the term applied to the procedure provided for in section 24 (b) of the Act, when a child or young person, after being found to have committed an offence, is committed to the care of a relative or fit person under a bond to be of good behaviour and is placed under the supervision of a person named by the Court. The latter is known as the probation officer (or supervisor). Probation if properly regulated is an extremely valuable method of dealing with many offences and is especially appropriate to the cases of juveniles. It is anticipated, that if probation work is well organised, the majority of cases will be found to be best dealt with in this

METHOD.

"(5) The duties of voluntary probation officers are briefly described in a separate pamphlet copies of which are being forwarded to all District Magistrates, and need not be enumerated here beyond mentioning that, in addition to the work of supervision after the Court has passed a probation order, the probation officer is also responsible for preliminary enquiries into the general character, home circumstances, etc., of the accused during the pendency of the proceedings and while he is remanded either on bail or in custody. This enables him to advise the Court regarding the best way of dealing with the case when the time comes for the Court to pass its order. The preliminary home enquiry carried out by the probation officer is of course entirely unconnected with the investigation of the offence, which will be carried out by the Police in the ordinary way. The Police will however inform the probation officer through the Court if necessary, of the arrest of any juvenile in order that he may begin making his enquiries in the manner described in the pamphlet, and will afford him facilities for interviewing the juvenile concerned....."

"(10) The cases of juveniles should be taken up at different times from the cases of adults, and if possible in different places. Attention in this connection is drawn to section 46 (2).

"(11) The provisions of the Criminal Procedure Code will be followed in the conduct of cases, but every avoidable formality should be done away with. The proceedings should be made as simple as possible, and care must be taken to see that the accused child or young person understands them.

"(12) Strict attention must be paid to section 27A which directs that the Court shall, for the purpose of determining what order to pass, have regard to the character and circumstances, etc., of the child or young person. The required information should normally be obtained through the probation officer as described in paragraph 5 above.

"(13) In passing final orders the following points should be carefully borne in mind, viz., the illegality of sentences of imprisonment (except in very exceptional circumstances), transportation or death; the advantages of probation; the parent's liability to pay any fine imposed; and the parent's liability to contribute to the maintenance of a youthful offender sent to a certified school."

"(15) *General principles of Juvenile Court work.*—It is impossible to describe these at length within the compass of a circular. Government however would advise all magistrates to study the handbook "*Reformation of Offenders in India*" by Mr. O. H. B. Starte, C.B.E., I.C.S., published by Government in 1933, which provides a convenient exposition of the methods of juvenile courts."

*(Government Circular No. 5039/3-III, dated 24th February 1936.)

APPENDIX E.

EXTRACT FROM THE POLICE MANUAL.

Charges against the Police, etc.

Orders
regarding
Police
mis-
conduct.

" 1231. Government have issued the following administrative orders in connection with the investigation of charges of serious misconduct made against the Police :—

(1) For purposes of these rules, with the exception of rule (7) below, 'serious misconduct' means the causing of grievous hurt, torture of a cruel nature, extortion and other misconduct of a like nature, Magistrates and Police officers must use their discretion, subject to the guidance of the District Magistrate, in applying this rough definition.

(2) When complaint is made to the Police or to a Magistrate of serious misconduct on the part of any Police officer, or when such misconduct comes to the notice of the Police or of a Magistrate in the course of investigation or otherwise, immediate information shall be sent by the Police or the Magistrate, as the case may be, to the District Magistrate (in the City of Bombay to the Commissioner of Police).

(3) In any case of alleged serious misconduct, when complaint is made direct to the Police or when such a complaint has been referred to the Police by a Magistrate for previous local investigation under Section 202, Criminal Procedure Code, the Superintendent, Assistant or Deputy Superintendent of Police (in the City of Bombay, the Commissioner or a Deputy Commissioner of Police), shall forthwith on receiving the information proceed to the scene of the alleged offence, and shall, under the provisions of Section 551 of the Criminal Procedure Code, assume the position of investigating officer (*cf.* rule 1075, pages 651-653 of the Police Manual, Vol. III). The same procedure shall be followed in respect of all cases referred to in rule (6) or rule (7) below.

(4) It is desirable that all cases of serious misconduct by the Police should be tried by the District or a Sub-Divisional Magistrate, or by a Magistrate of the First Class specially selected by the District Magistrate; and this result can be obtained by District and Sub-Divisional Magistrates making use of their powers under the Criminal Procedure Code, section 528 (1)."

(Pp. 724-25, Bombay District Police Manual, Vol. III,
6th Edition, 1927.)

"(3) Charges of ill-treatment against the Police are also frequently made by accused persons before they reach a prison where examination by a medical officer is possible. These charges are so common that they appear to be regarded by criminals as a kind of useful support to other lines of defence and are generally made, as His Excellency the Governor in Council believes, without foundation in fact. It is desirable to verify such complaints at the earliest possible moment for the protection of the police in the discharge of their duty when such charges are falsely made, or, where they are true, to enable the Magistracy to take prompt action against the offenders. His Excellency in Council therefore directs that in all cases the Magistrate, before whom a prisoner may be first brought, whether for confession or otherwise, shall invariably question the prisoner on this point and place on record the questions put and answers given. If any allegation of ill-treatment be made, he shall there and then examine the prisoner's body if the prisoner consent, to see if there are any marks of injuries as alleged, and shall place on record the result of his examination. If the prisoner refuses to permit such examination, the refusal and the reason therefor shall be recorded. If the Magistrate finds that there is reason to suspect that the allegation is well founded, he shall at once record the complaint, cause the prisoner to be examined by a medical officer, if possible, and if he has not power to take up the necessary enquiry himself, forward him with this record to the Magistrate having jurisdiction to investigate the case."

(Paragraph 1233, pp. 727-28, Bombay District Police Manual, Vol. III, 6th Edition, 1927.)

"1188. (1) When any person dies in Police custody or when attending before the Police for an enquiry, an immediate report should be made direct to the District Magistrate and to the nearest local Magistrate by the Sub-Inspector of the Police Station concerned, copies being sent simultaneously to the Superintendent of Police and to the Sub-Divisional Officer, if any.

(2) The corpse of such a person should be promptly sent for post-mortem examination.

(3) On the occurrence of such a death the Sub-Divisional Officer and if necessary, the Superintendent of Police should proceed to the spot at once and make inquiries in person, forwarding his report to the District Magistrate with the least possible delay. If the inquiry is made by a Sub-Divisional Officer, in addition to sending his report direct to the District Magistrate, he will despatch a copy simultaneously to the Superintendent of Police. Copies should also be sent by the officer making the inquiry direct to the Inspector General of Police and Range Deputy Inspector General.

Note.—The fact, that the Sub-Divisional Officer should proceed at once to make the local inquiry in a case of this nature within his Sub-Division, does not absolve the Superintendent of Police from all responsibility in the matter. He is expected to keep in close touch with such events and, if he considers it necessary or desirable, to proceed himself and make enquiries in addition to, or in lieu of, those made by any officer subordinate to him.

(4) In the event of such a person dying in hospital and the medical officer certifying that the person died from natural causes, a personal inquiry on the spot may be dispensed with, all that is required being a simple report detailing the facts and the cause of death accompanied by the medical officer's certificate, provided that the medical officer is not of lower rank than an Assistant Surgeon.

(5) The above orders do not apply to prisoners dying after conviction or to those dying at the camp of a District Magistrate or Sub-Divisional Magistrate."

(P. 708, Bombay District Police Manual, Vol. III,
6th Edition, 1927.)

APPENDIX F.

CHAPTER X OF ASSISTANT COLLECTORS' MANUAL, PART II.

The appointment, punishment and dismissal of Village Officers.

Village officers are either stipendiary or hereditary. In the Deccan and Southern Maratha Country, most of the Patels and Kulkarnis are hereditary, but a certain number, mostly in cases where the watan has lapsed, are stipendiary.

In the Konkan and Gujarat most of the Patels are hereditary, while the village accountants (Talatis) are stipendiary. In some parts of Gujarat however (e.g. Surat), most of the Patels are stipendiary.

I. Stipendiary village officers are appointed under section 16, L.P. Land Revenue Code, and are therefore Revenue Officers. The Assistant Collector is responsible for their appointment and punishment. Section 3 (1).

They can be fined, reduced, suspended or dismissed in accordance with the provisions of sections 32-36, Land Revenue Code.

The maximum fine permitted is two months' pay. The maximum period for which a village officer may be suspended as a punishment is six months. L. R. Code, Section 34.

This rule does not apply to the case of suspension pending enquiry; but such enquiry should ordinarily be completed within six months from the date of suspension. G. R. No. 9981 of 19th December 1884.

Mamlatdars may be empowered by the Collector to fine village officers, subject to a right of revision and to any limitation imposed by the Collector. Fining a lowly-paid officer is, however, a most unsatisfactory form of punishment, and should, as far as possible, be avoided. Warning, followed by reduction for a second offence, is the best procedure. G. Rs. Nos. 2116 of 13th March 1883, 4100 of 30th May 1883, and 5595 of 5th June 1908.

II. *Hereditary village officers outside Gujarat.*—The position of this class of village officers is fixed by the provisions of the Watan Act (Bombay Act III of 1874).

APPOINTMENT.

1. The representative watandar whose turn of service has arrived (*vide* watan register) is called upon to make an appointment in the presence of the Assistant Collector.

Watan Act, Section 42. 2. The representative watandar shall serve in person, or may be permitted to appoint a deputy.

3. In the following cases the representative watandar loses his right to appoint, and the appointment has to be made by the Assistant Collector on behalf of Government :—

Watan Act, Section 44. (a) When the representative watandar fails to appoint any person within two months of receiving notice to appoint.

Watan Act, Section 46. (b) When the representative watandar is a lunatic.

Watan Act, Section 50. (c) When the representative watandar has been rejected as a general bad character or has previously been dismissed from service for grave misconduct.

Watan Act, Section 54. 4. Appointments made by the Assistant Collector on behalf of Government should be made for a period of 5 years.

5. The following persons should not be accepted as officiators :—

Watan Act, Section 45. (a) Persons enumerated in section 45.

G.L., J.D., No. 692 of 24th February 1860. (b) The near relative of a village officer who has been dismissed after being convicted of a crime in the conduct of his duties.

Watan Act, Section 53. 6. When the representative watandar or the Assistant Collector on behalf of Government appoints a deputy, the members of the takshim whose turn it is to serve have a first claim on the appointment if fit and willing to serve.

G.R., No. 7590 of 17th October 1893, and G.R., No. 802 of 31st January 1895. 7. The members of the other takshims have no such claim as against complete outsiders.

N.B.—In section 53, Watan Act, the word “family” = takshim = branch of the family admitted to separate right of registration, and is used in a different sense from that borne by it in other parts of the Act, where it is used as defined in section 4, Watan Act.

8. Probationary appointments should not be made.

G.R.,
No. 4433
of 3rd
June 1885.

9. When a representative watandar is dismissed while serving his turn ends at once, and the turn of the next takshim begins.

G.R.,
No. 1692
of 23rd
March
1881.

10. Deputies may be removed for good reasons by the Assistant Collector at the request of the representative watandar.

Watan Act,
Section 46.

11. Sections 47 and 54 are worth noting. They allow a representative watandar Patel who comes of age, or a representative watandar Kulkarni who passes his examination, to serve in supersession of any deputy previously appointed on his behalf.

Watan Act,
Sections 47
and 54.

PUNISHMENT.

1. The Assistant Collector can exercise the powers conferred by section 57.

2. Mamlatdars and Mahalkaris may be authorised to fine hereditary village officers up to Rs. 2.

Watan Act,
Section 84.

3. The sanction of Government is required for the dismissal of a watandar village officer.

Watan Act,
Section 58.

4. The sanction of the Commissioner is required for the prosecution of a watandar Patel or Kulkarni for an offence committed in his capacity of Patel or Kulkarni.

When the Assistant Collector has to submit a report to the Collector recommending the dismissal or prosecution of a watandar village officer, he should note the following points :—

(i) The inquiry should be made either by the Assistant Collector himself or by the Mamlatdar in person.

(ii) A clear statement of the incriminating evidence, verbal and documentary, should be given.

(iii) The delinquent village officer should be given a full opportunity to explain matters.

(iv) The opinion of the officer who held the inquiry should be clearly expressed.

(v) It should be stated what share (if any) of the watan the delinquent holds.

Matadars' Act, Sections 1, 3 and 4. **III. Hereditary Village Officers in Gujarat.**—Parts II, VII, VIII and IX of the Watan Act have been largely superseded by the Matadars' Act (Bom. VI of 1887), so far as Ahmedabad, Kaira, Broach, Surat, and certain villages (only) of the Panch Mahals are concerned.

Matadars' Act, Section 5. In these districts the appointments to patelships are made in accordance with the mata registers, which give all the necessary particulars as to the custom of the matas, the number of recognised matadari families, the number entitled to officiate, and so on.

The chief rules as to appointments in matadari villages are :—

Matadars' Act, Sections 14 and 17. **I.** In villages where the right to serve has been decided to belong to certain only of the matadari families, the representative matadar serves.

Matadars' Act, Section 17. **II.** In other villages, the right vests in each of the matadari families in rotation, but the actual officiator is elected by vote from the family, whose turn it is to serve, by the representatives of all the matadar families. If they fail to elect, or if their nominee is disqualified for office, the right to serve then vests in the representative matadar of the said family.

Matadars' Act, Sections 2, 19 and 20. **III.** The Collector may allow a representative matadar to appoint a deputy ; but if a sole representative matadar declines to serve when called upon to do so, or fails to appoint a deputy when given permission to do so, then the Collector himself may appoint a deputy.

Matadars' Act, Section 22.

Matadars' Act, Sections 21, 22. **Deputies shall ordinarily be members of matadari families of the village.**

Matadars' Act, Section 19. **If a representative matadar, in whom the right vests in consequence of the failure of an election, is required to serve in person and fails to do so, or fails to appoint a deputy when given permission, then the right to serve passes to the matadari family next in the settled order of relation.**

IV. In cases not met by the above rules, the Collector can Matadars' make a temporary appointment and in such case may appoint any Act, fit person. In practice, even in the case of such stop-gap appoint- Section ment, it is advisable to appoint a matadar; as members of mata- 22. dari families have very strong feelings as to their rights in the matter.

V. Deputies must be appointed within 20 (or in special cases 30) Matadars' days of receipt of a written notice. Act, Section 21.

VI. Sole representative matadars serve for life.

Elected officiators serve for five years or such longer period as Matadars' the majority may at the time of election approve. Act, Section 24.

When an election fails, the term is to be 5, 7 or 10 years accord- Matadars' ing as the number of representative matadars exceeds 9, exceeds Act, 4 or does not exceed 4. Section 25.

Deputies serve for the full term of their principals and, if a Matadars' deputy dies or resigns, a new deputy may be appointed. A deputy Act, may be removed, if the representative matadar wishes to or Section becomes qualified to serve in person, but no new appointment what- 26. soever is to be made on behalf of the officiating family in the last Matadars' year of its term. The result of such a vacancy is that the turn Act, passes. Section 27.

VII. The final removal of an officiator (other than a deputy) Matadars' requires the sanction of Government. Government may at the Act, same time— Sections

(1) deprive him for the rest of his life of his right to vote or to 30 and 31. appoint a deputy;

(2) direct the forfeiture of his life-interest in the mata.

APPENDIX G.

CHAPTER XII OF ASSISTANT COLLECTORS' MANUAL, PART II,
REVISED TO 1937 BY THE CONSERVATOR OF FORESTS,
NORTHERN CIRCLE.

FORESTS.

I. GENERAL.

1. G.N., The Collector, as the Executive head of the district, is responsible
No. 51-D, for forest administration in the district except in matters relating
dated purely to technical matters, and the Divisional Forest Officer is the
14th Assistant to the Collector and subject to his orders. Generally
August speaking, Revenue officers are not to interfere with Forest Officers in
1922, their professional work, i.e., the conservation and exploitation of the
amended forests, but are to keep a watchful eye over all forest operations
by Noti- affecting the local supply of forest produce and the local privileges
fication exercised by the people. All orders affecting local supply, including
No. 51-D, grass, grazing and the rights and privileges of the people in or in
dated 5th respect of forest are to be issued by the Divisional Forest Officer
December after approval by the Collector.
1922.

2. Stand- The Assistant Collector should remember that it is most important
ing that there should be unanimity of feeling and action between Revenue
Orders, and Forest Officers, and that it is the duty of every Revenue Officer
Revenue to give every possible assistance to the Divisional Forest Officer
Depart- in the protection of Government forests against theft or injury.
ment, If possible the Assistant Collector should arrange to camp for a spell
pages 481- with the Divisional Forest Officer in order to get an idea of what the
489. latter does and what forest administration involves, and to realise
the importance of the proper conservation of forests as a national
asset. Forests not only provide timber, fuel and grazing but also
help to prevent soil erosion and by checking run off of rain retain
water in the soil so that the water level in wells is kept up.

II. CLASSIFICATION OF FORESTS.

The notified forests in the Bombay Presidency are classed into
(a) "Reserved" and (b) "Protected" forests. The distinction
between "Reserved" and "Protected" forests is that, in the former
there are few or no rights of user and, therefore, it is possible to
prohibit the exercise of all such rights, except those specially defined,
while in "Protected" forests there are established and acknowledged
rights of user, and the exercise of these is permitted subject only to
such restrictions as may be found necessary to impose in the interests

of the holders and of future generations. Broadly speaking, in a reserved forest everything is an offence that is not permitted, while, in a protected forest nothing is an offence that is not prohibited.

Normally Reserved forest is to be closed to all privileges and rigorously preserved by provisions of law. Much of it is included in "Working Plans" and is only thrown open to the exercise of privileges in accordance with settlements or other express orders of Government. It should be impressed on the Public that the necessary restrictions are in the interests of the people and posterity and are not merely arbitrary.

Forests, whether Reserved Forest or Protected Forests, are again divided into 3 classes according to their nature, viz. :—

- (1) Forest proper.
- (2) Fuel and fodder reserves.
- (3) Pasture reserves.

This tripartite classification does not affect the legal status of the forests, and there is no difficulty in taking land out of one class and including it in another when it is desirable to do so.

4. G. R.,
No. 9534
of 28th
November
1896.

Chapter III of the Indian Forest Act, 1927, enables the Provincial Government to assign to the village community the rights of Government to or over any land which has been constituted as a reserved forest. Forests so assigned are called "Village forests".

III. FOREST PROPER.

Forest proper (except a few square miles in the Ratnagiri District) is under the management and control of the Forest Department which works it in accordance with sanctioned working plans. A certain number (varying with the privileges accorded in each District) of the compartments or coupes in each forest block, or felling Series, may be "closed" to the exercise of grazing and other privileges for a number of years after exploitation, to assist protection of the new growth, in accordance with the scheme of the sanctioned Working Plan, which is so designed as always to leave "open" a reasonable proportion of forest so situated as to satisfy the needs of the adjacent villagers as regards grazing and other sanctioned privileges.

5. Forest
Act,
section 28.

In the "closed" compartments, no grazing is allowed, nor is the exercise of any other forest privilege permitted except occasionally the cutting and removal of grass where such a course is considered advisable. In the "open" areas grazing and the exercise of other forest privileges are permitted subject to the rules in force in the locality.

Forest rights.—At the time of Settlement, the Forest Settlement Officer enquires into all rights claimed in or over the land which it is proposed to include in forest, and when he admits a claim over any land he proceeds either—

(i) to exclude that land from the forest; (ii) to arrange with the owner for the surrender of the rights; (iii) to acquire the land or (iv) to commute the rights. The result is that few private rights now exist in or over forests. Such rights as do exist are chiefly rights of way or to water which it has been found advisable to allow to continue. The "Forest Register" contains a statement of all Forest Rights.

Forest Privileges.—These are granted as a matter of favour and not as a matter of right, and vary from district to district. All forest privileges sanctioned by Government are, at the pleasure of

7. G. R.,
No. 4819,
dated 3rd
July
1890.
8. G. R.,
R. D.,
No. 8654/
24,
dated 29th
July 1933.
- Government, liable at any time to modification, curtailment or discontinuance, and the exercise of such privileges is subject to revision whenever Government may consider such a course necessary. Where serious neglect by a village of its responsibilities improved to the satisfaction of the Divisional Forest Officer and the Collector, communal punishment comprising withdrawal or privileges as a temporary measure may, at the instance of these officers jointly and with the approval of the Commissioner, be inflicted on the village concerned, where a warning issued in the matter has had no effect.
- Forest privileges include :—

- (1) Grazing on the payment of a fee, or free of charge.
- (2) The cutting or collection of bamboos, deadwood, brush-wood thorns, leaves and grass for home consumption.
- (3) The cutting of inferior species for specified purposes.
- (4) Free grants of timber for specified purposes.
- (5) The collection of specified fruits, flowers and minor produce.
- (6) The removal of earth and stone.

The extent to which these privileges are allowed varies greatly 9. *Vide* in different localities. In Kanara, Dharwar, Belgaum, Khandesh, Standing Kolaba and Thana and part of Nasik special rules have been Orders, sanctioned under which the people enjoy very considerable privileges, R. D., while in other tracts they are restricted to the cutting of grass and pp. 583- twigs for *rah* (seed beds) and the collection of deadwood for the 615. gatherer's own *bona fide* use. The Assistant Collector should ascertain exactly what rules are in force in his charge regulating the exercise of forest privileges. This may be seen from the Forest Settlement Report of each taluka and the published Forest Privilege Code for the district, also from the Bombay Forest Manual, Vol. II. Regarding free grants of timber for various purposes see Manual of Financial Powers, item 53.

IV. FUEL AND FODDER RESERVES.

"Fuel reserves" consist chiefly of babul groves on the banks of rivers or areas isolated amongst occupied land and mainly devoted to the growth of fuel. Mixed "Fuel and Fodder reserves" are lands in which, while the yield of grass is improved, the growth of fodder other than grass (e.g., bushes and trees edible by cattle) is also promoted and which must, for the attainment of this object, be (except in years of great drought) absolutely closed against grazing, the fodder being cut and collected. The produce of all these reserves must be devoted primarily to the supply of local wants at reasonable rates, and only the surplus after these wants are fully met should be exported.

V. PASTURES.

By "pastures" are meant grazing lands from which cattle, including sheep and goats, are not to be otherwise than temporarily excluded, but which are to be brought under a definite system of management. Pastures comprise about 23 per cent. of the total forest area. Nearly three-fourths of these pasture areas are in charge of the Revenue Department and the rest (chiefly in Kanara) is in charge of the Forest Department. In Thana the so-called pastures actually contain rich tree growth in a large proportion of the area, and are termed "Gurcharans". These "Gurcharans", which are protected Forest, are at present under the management of the Revenue Department according to the provisions of the Thana Woodland Code, though the Forest Department is concerned with the felling for commercial purposes of the teak and also a proportion of the injaili species, all the proceeds of such fellings being credited to that Department.

10. G. R.,
R. D.,
No. 9811,
dated 10th,
July 1929.

11. G. R., No. 1476 of 24th February 1904 and G. R., No. 2187 of 31st March 1901. There are often demands for the disforestation of pasture forest in order that it may be given out for cultivation. But it is, however, pointed out that it is often economically better to keep land as pasture, than to give it out for cultivation. The pasture forests of the Deccan are full of the remains of deserted villages where cultivation has failed, and it is no kindness to give a cultivator land which it is impossible to work profitably. Besides an adequate number of cattle are necessary for the cultivation of the other lands of a village, and pasture for the village cattle is usually more valuable to the community than a poor holding for a single cultivator. (This does not necessarily apply to the system of Woodland plots in the Thana "Gurcharans".)
12. G. R., R. D., No. 366/33, dated 26th August 1933.

VI. GRAZING.

13. G. R., R. D., No. 4217, dated 17th May 1928. For the purpose of the exercise of the grazing privilege cattle are classified into (i) Village cattle and (ii) Non-village cattle. The latter term includes cattle belonging to professional graziers. "Village Cattle" are again classified into (a) village cattle of forest villages (i.e., villages which have contributed land to forest) and (b) village cattle of non-forest villages. The order in which the various kinds of cattle are admitted to graze and other regulations concerning the privilege are given in the grazing rules embodied in the Bombay Forest Manual, Volume II.

Grazing is prohibited in closed areas in accordance with the provisions of the Forest Settlement or Working plan or by the executive orders of the Collector, but no area can be closed within a quarter of a mile of a village site.

The Collector in consultation with the Divisional Forest Officer may fix the number of cattle to be admitted to graze in any particular area of open forest. Cattle excluded from a forest as being in excess of the maximum number so fixed shall, as far as possible, be provided with grazing ground elsewhere.

Increasing attention is being given to the management of grazing grounds as rotational grazing and limitation of numbers of cattle are found to produce more and better grass and to improve the cattle. Moreover over-grazed areas lead to erosion and sinking of the sub-soil water level, and are therefore a menace to the general community. In areas specially allotted for cheap grazing goats may, where customary, be admitted when accompanying flocks of

sheep in the proportion of one goat only to every 50 sheep. Where possible separate areas shall be allotted to sheep and goats as grazing by these animals, especially the latter is inimical to tree growth.

Camels, elephants and swine are absolutely prohibited from grazing in forest.

All villages in the Kanara District are considered to be forest villages for the purpose of the grazing rules.

Village cattle of villages situated near the boundary line of two districts may, with the permission of the Collector and the Conservator, graze in certain specified areas of the adjoining district.

In seasons of drought the Commissioner may relax the grazing rules to such extent as may be necessary.

APPENDIX H.

INSTRUCTION FOR COUNTING COIN AND NOTES.

"(a) *Silver coin*.—The coin being in bags, each containing a certain fixed amount, any bag should be taken at random and Rs. 50 or Rs. 100 counted in detail and used as a weight in a small scale against which other similar sums should be weighed, until the whole contents of the bag are exhausted. Care should be taken that the requisite number of tallies of Rs. 100 or Rs. 50 is made up. The whole amount thus tested should be taken as a verified weight of Rs. 1,000 or Rs. 2,000 as the case may be, and be placed in one pan of a large pair of scales. The whole number of bags should now be counted and one in every twenty taken at random, opened and its contents poured into the scales and weighed against the verified Rs. 1,000 or Rs. 2,000. Broken amounts may be verified by weighment in smaller quantities of Rs. 50 or Rs. 100 or Rs. 200. It may be noted that the maximum difference in weight between new coin and coin in current use is about 3 in 1,000 for whole rupees, up to about 16 in 1,000 for two anna pieces, and a difference in gross weight to this extent need not impugn the verification. If a larger difference is found, the bag should be tested by weighment in sums of Rs. 100 (or less for small coin) which, if carefully done, should always be precise.

If scales of sufficient size are not available, the necessary number of bags must all be examined in the manner prescribed for the first bag.

(b) *Copper coin*.—There is no rule. The Mamlatdar may adopt any method of verification which he thinks satisfactory, and provided he is personally responsible for the correctness of the balance he states, is not required even to count the bags every month; but he should do it occasionally and should also examine their contents occasionally.

(c) *Notes*.—All notes of Rs. 100 and over should be counted with the Mamlatdar's own hand. For smaller notes the following plan is sufficient.

The notes being in bundles of a certain marked number, a few at the top may be folded back and the rest counted by Karkuns etc. The Mamlatdar should then see, in the case of each bundle, whether the addition of the folded back notes to the number already counted and marked makes up the whole alleged number of the bundle. *

The Karkuns etc. should not be persons who are responsible for the correctness of the bundle, and the Mamlatdar should satisfy himself that the notes in the bundle are all of the alleged value, i.e., for example, that a 10-rupee note is not counted as one of a 50-rupee bundle." (P. 26 of the Sub-Treasury Manual for the guidance of Sub-Treasury Officers in the Bombay Presidency, 1st edition 1902).

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